

MADISON COUNTY PERSONNEL **POLICY HANDBOOK**

Adopted July 2, 2013 by the Madison County Board of Commissioners Ordinance No. 2013-BC-O-10, revised by the Madison County Commisisoners, effective 1/1/2016.

TABLE OF CONTENTS

EXHIBITS

- EXHIBIT A: Resolution No. 2012-R-07 Adopting Nepotism Policies Regarding Employment Matters and Matters Related to County Contracts
- EXHIBIT B: Ordinance No. 2012-BC-O-09 Establishing Smoking Policy
- EXHIBIT C: Ordinance No. 2013-BC-O-08 Establishing Travel Policy
- EXHIBIT D: Ordinance No. 2013-BC-O-10 Adopting the County of Madison, Indiana Personnel Policy Handbook
- EXHIBIT E: Employee Personnel Policy Handbook Acknowledgement Form

SECTION 1: PERSONNEL POLICIES HANDBOOK

PAGE NO.

1.1	USES AND REVISION OF PERSONNEL POLICIES HANDBOOK	1
1.2	EXCEPTIONS AND SPECIAL CONDITIONS	1
1.3	RESPONSIBILITIES AND AUTHORITY	1-2
1.4	PERSONNEL POLICIES ADMINISTRATION	2
1.5	EQUAL EMPLOYMENT OPPORTUNITY	3
1.6	MANAGEMENT RIGHTS	3-4
1.7	PRODUCTIVE WORK ENVIRONMENT	4
1.8	AUTHORIZED ALIEN STATUS AND CITIZENSHIP	4
1.9	E-VERIFY	5
1.10	ELIGIBILITY FOR LOCAL PUBLIC BENEFITS	5

SECTION 2: EMPLOYMENT POLICIES

2.1	RECRUITMENT AND HIRING	6
2.2	EMPLOYMENT APPLICATIONS	6-7
2.3	APPLICANT TESTING	7
2.4	PRE-EMPLOYMENT INTERVIEWS	7
2.5	CONDITIONAL OFFER OF EMPLOYMENT	7
2.6	MEDICAL EXAMINATIONS	8
2.7	EMPLOYMENT CATEGORIES	8-9
2.8	EMPLOYMENT REFERENCE AND BACKGROUND CHECKS	9
2.9	PERSONNEL RECORDS	9-11
2.10	ACCESS TO EMPLOYEE PERSONNEL RECORDS	11
2.11	PERSONAL INFORMATION CHANGES	11
2.12	ORIENTATION	11
2.13	PROBATIONARY PERIOD	12
2.14	PERFORMANCE EVALUATIONS	12
2.15	OUTSIDE EMPLOYMENT	12-13
2.16	REQUESTS FOR INFORMATION	13

(Section 2 continued)

PAGE NO.

2.17	LAYOFF AND RECALL	13-14
2.18	FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT	14
2.19	NEPOTISM AND CONTRACTING WITH MADISON COUNTY	14
2.20	ELECTIVE OFFICER AND MADISON COUNTY EMPLOYMENT RESTRICTED	15

SECTION 3: SALARY ADMINISTRATION

3.1	NORMAL WORKWEEK	16
3.2	WORK HOURS	16
3.3	TIMEKEEPING AND COMPENSATION ORDINANCES	16-18
3.4	OVERTIME AND COMPENSATORY TIME	18-20
3.5	WORK TIME RESTRICTED	20-21
3.6	JOB DESCRIPTIONS / CLASSIFICATIONS	21
3.7	JOB CLASSIFICATION / PAY SYSTEM MAINTENANCE	21
3.8	COMPENSATION	21-22
3.9	WAGE REDUCTION FOR VIOLATIONS OF LEAVES OF ABSENCES	22
3.10	ROUNDING	22
3.11	MULTIPLE MADISON COUNTY POSITIONS	23
3.12	PAYDAYS AND DIRECT DEPOSIT	23
3.13	PAY CORRECTIONS	23
3.14	PAY DEDUCTIONS / GARNISHMENTS	23-24
3.15	EMPLOYMENT TERMINATION	24-25
3.16	RETURN OF PROPERTY	25
3.17	LONGEVITY PAY	25
3.18	EMERGENCY CLOSING	25

SECTION 4: EMPLOYEE BENEFITS

4.1	VACATION BENEFITS	26-27
4.2	HOLIDAYS AND PERSONAL DAYS	27-28
4.3	FAMILY AND MEDICAL LEAVE ACT (FMLA)	28-42
4.4	SICK LEAVE BENEFITS	42-43
4.5	SICK DAY REIMBURSEMENT	43
4.6	MILITARY LEAVE	43-45
4.7	FUNERAL / BEREAVEMENT LEAVE	45-46
4.8	WORKER'S COMPENSATION	46-47
4.9	BENEFITS CONTINUATION (COBRA)	47
4.10	PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)	47-48
4.11	DEFERRED COMPENSATION	48
4.12	GROUP HEALTH AND LIFE INSURANCE	48
4.13	JURY DUTY AND COURT APPEARANCES	49
4.14	EMPLOYEE PARKING	49
4.15	SOCIAL SECURITY AND INDIANA UNEMPLOYMENT INSURANCE	50

(Section 4 continued)**PAGE NO.**

4.16	HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)	50
4.17	AMERICANS WITH DISABILITIES ACT (ADA)	50-51

SECTION 5: WORKING CONDITIONS

5.1	SAFETY	52
5.2	BLOODBORNE PATHOGENS	52-53
5.3	LACTATION SUPPORT	53
5.4	BUILDING SECURITY / IDENTIFICATION BADGES	53
5.5	USE OF TELEPHONES, FAX MACHINES, AND MADISON COUNTY MAIL	53-54
5.6	USE OF CELLULAR / MOBILE PHONES AND PAGERS	54-55
5.7	USE OF COMPUTER AND ELECTRONIC MAIL (E-MAIL)	55-56
5.8	USE OF INFORMATION TECHNOLOGIES	56-61
5.9	DRUG-FREE WORKPLACE	61-64
5.10	USE OF VEHICLES AND EQUIPMENT	65
5.11	TAKE HOME VEHICLES	65-66
5.12	PERSONAL USE OF MADISON COUNTY FACILITIES	66
5.13	APPEARANCE OF WORK AREAS	66
5.14	BUSINESS TRAVEL	67-68
5.15	POLITICAL ACTIVITY	68-69
5.16	SMOKING	69
5.17	MADISON COUNTY CREDIT CARDS	69

SECTION 6: PERSONAL CONDUCT

6.1	EMPLOYEE CONDUCT AND WORK RULES	70
6.2	ATTENDANCE AND PUNCTUALITY	70-71
6.3	PERSONAL APPEARANCE	71
6.4	COMMISSION OF A FELONY OR UNLAWFUL ACT	71-72
6.5	GHOST EMPLOYMENT	72-73
6.6	BUSINESS ETHICS / CONFLICT OF INTEREST	73
6.7	SEXUAL HARASSMENT / HOSTILE WORK ENVIRONMENT	73-77
6.8	SOLICITATION / DISTRIBUTION	77
6.9	SECURITY OF PREMISES	77-78
6.10	WORKPLACE VIOLENCE	78-79
6.11	DOMESTIC VIOLENCE	79-85
6.12	CONFIDENTIALITY	85
6.13	EMPLOYEE AND PERSONAL CONDUCT	85-89

SECTION 7: PROBLEM RESOLUTION

SEVERABILITY	90
INDEMNIFICATION	91
ENABLING ORDINANCE	91
AMENDMENTS	91

EXHIBITS TO THE MADISON
COUNTY PERSONNEL POLICY
HANDBOOK

RESOLUTION NO. 2012-R- 07

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MADISON
COUNTY, INDIANA ADOPTING NEPOTISM POLICIES REGARDING EMPLOYMENT
MATTERS AND
MATTERS RELATED TO COUNTY CONTRACTS

WHEREAS, pursuant to Indiana Code 36-1-20.2-9(a) (as added by Section 7 of P.L. 135-2012, which section is effective July 1, 2012), the legislative body of a unit is required to adopt a policy for the unit regarding the employment of relatives by the County, which policy includes certain minimum requirements set forth in Indiana Code 36-1-20.2; and

WHEREAS, pursuant to Indiana Code 36-1-21-4(a) (as added by Section 8 of P.L. 135-2012, which section is effective July 1, 2012), the legislative body of a unit is required to adopt a policy for the unit regarding contracts between the unit and relatives (or business entities wholly or partially owned by relatives) of elected officials of the unit, which policy includes certain minimum requirements set forth in Indiana Code 36-1-21; and

WHEREAS, the Board of Commissioners of Madison County, Indiana now desires to adopt policies applicable to any department, office or elected official of the County in order to ensure compliance by the County with Indiana Code 36-1-20.2-9(a) and Indiana Code 36-1-21-4(a) upon the effective date of such provisions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Madison County, Indiana that:

1. The Board of Commissioners hereby adopts the policy attached as Exhibit A hereto and made a part hereof as if fully set forth herein, as the official policy of the County regarding the employment of relatives by the County.
2. The Board hereby adopts the policy attached as Exhibit B hereto and made a part hereof as if fully set forth herein, as the official policy of the County regarding contracts between (i) any department, office or elected official of the County, and (ii) relatives (or businesses wholly or partially owned by relatives) of elected officials of the County.
3. The members of the Board of Commissioners, the Auditor of the County, the legal counsel of the County, and other appropriate officers of the County are hereby authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this Resolution and the implementation of such policies.
4. This resolution shall be in full force and effect from and after its adoption

DULY ADOPTED AND ENACTED BY THE BOARD OF COMMISSIONERS OF
MADISON COUNTY, INDIANA THIS 20 DAY OF JUNE 2012.

MADISON COUNTY BOARD OF COMMISSIONERS

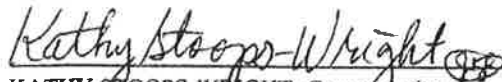
BY:


JOHN M. RICHWINE, *President*


STEPHANIE L. OWENS, *Member*


JEFFREY L. HARDIN, *Member*

ATTEST:


KATHY STOOPS-WRIGHT, *County Auditor*

PREPARED BY:

Gerald P. Shine, Jr. (#297-48)
Madison County Attorney

EXHIBIT A

Nepotism Policy – Employees

A. Key Definitions

For purposes of this policy, “*direct line of supervision*” means an elected officer or employee of the County who is in a position to affect the terms and conditions of another individual’s employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does **not** include the responsibilities of the executive, legislative body or fiscal body of the County, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the County.

For purposes of this policy, “*employed*” means an individual who is employed by the County on a full-time, part-time, temporary, intermittent, or hourly basis. The term does **not** include an individual who holds only an elected office of the County. The term includes an individual who is a party to an employment contract with the County.

For the purposes of this policy, “*relative*” means any of the following:

1. A spouse;
2. A parent or stepparent;
3. A child or stepchild, including adopted children;
4. A brother, sister, stepbrother, or stepsister, including brothers or sisters by the half-blood;
5. A niece or nephew;
6. An aunt or uncle; and/or
7. A daughter-in-law or son-in-law;
8. A cousin

B. Anti-Nepotism Policy Regarding Employment Matters

In order to comply with Indiana law and in order to avoid potential conflicts of interests, misunderstandings and appearances of favoritism, impropriety or bias, the legislative body has adopted the following policy to establish certain minimum requirements regarding the employment of “relatives” by any department, office or elected official of Madison County, Indiana (the “County”). Except as otherwise provided herein, individuals who are relatives may not be employed by the County in a position that results in one relative being in the “direct line of supervision” of the other relative.

Accordingly, this policy generally prohibits employment of more than one family member when that employment causes either: (1) two members of the same family being employed in the same department; or (2) any form of reporting or supervisory relationship between family members.

C. Change in Relationship; Procedure to Comply

If, as a result of marriage, birth, adoption, the creation of other family relationships, election results, or hiring decisions, two or more relatives (who are current employees of any office or department in the County) are inadvertently placed into one of the two categories described in the paragraph above, then such relatives shall determine which of such relatives will seek to transfer to another job or otherwise take action to comply with this policy. The County shall have no obligation to either: (1) create a new position or job opening for any current employee; or (2) transfer any current employee to a new or existing position or job opening if the individual does not meet all selection standards or fulfill all qualifications deemed to be required for the position by the County. If the relatives are unable to determine which individual(s) will seek to transfer into another position or otherwise take action to comply with this policy, then the Board of Commissioners of Madison County, Indiana (the "Board of Commissioners") will make a determination to ensure the County's compliance with this policy. A determination of the Board of Commissioners may include a decision to transfer, reassign, terminate or otherwise take action regarding one of the employees to ensure compliance with this policy. A decision of the Board of Commissioners may be based upon a variety of factors and criteria, including, but not limited to: (i) staffing and other needs; (ii) the jobs being performed by the employees and the necessity of each such job relative to the continued operation of the County government, and (iii) each employee's skills, job knowledge, prior work history, job performance and abilities.

D. County Employees Related to Elected Officers; Promotions

In the event that an individual is an existing employee of the County to whom the provisions of this policy apply on the date such individual's relative begins serving a term of an elected office of the County, the individual **may not** remain employed by the County and maintain the individual's position or rank if such circumstances result in the elected officer being in the direct line of supervision of such existing employee. In such event, the employee who is not an elected official will be required to take action to comply with this policy.

E. Employees Covered by the Policy

Notwithstanding the provisions of Indiana Code 36-1-20.2-2, the County has determined that this policy shall apply to all individuals employed by the County regardless of their date of hire or time of employment with the County.

F. Prison Matron of the County under I.C. 36-8-10-5

Notwithstanding the provisions of Indiana Code 36-1-20.2-13 to the contrary, the County Sheriff's spouse **may not** be employed as prison matron for the County under Indiana Code 36-8-10-5, and the spouse **may not** otherwise be in the County Sheriff's direct line of supervision

G. Deputy Coroners of the County

Notwithstanding any provisions of this policy and Indiana Code 36-1-20.2-10 to the contrary, an individual: (1) who served as coroner; (2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana; (3) who, as coroner, received certification under IC 36-2-14-22.3; and (4) whose successor in the office of coroner is a relative of the individual; **may** be hired in the position of deputy coroner of the County and be in the County Coroner's direct line of supervision.

H. Annual Certification by Elected Officers

Each elected officer of the County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this policy or Indiana Code 36-1-20.2. Each officer shall submit the certification to the Board of Commissioners not later than December 31 of each year.

I. Interpretation of Policy

This policy is intended to implement the minimum requirements necessary to comply with Indiana Code 36-1-20.2, as the same may be amended from time to time. If and to the extent this policy is not in compliance with Indiana Code 36-1-20.2, this policy shall be deemed to include such terms not otherwise included herein, and to exclude such terms not otherwise excluded herefrom, as are necessary to cause this policy to implement the minimum requirements set forth in Indiana Code 36-1-20.2. To the extent this policy is inconsistent with any provision of Indiana law, including, without limitation, Indiana Code 36-1-20.2., such other provisions of Indiana law shall control. If any portion of this policy is held or deemed to be, or is, invalid, illegal, inoperable or unenforceable, the validity, legality, operability and enforceability of the remaining portions of this policy shall not be affected, and this policy shall be construed as if it did not contain such invalid, illegal, inoperable or unenforceable portion.

J. Right to Review Application of Policy and Make Amendments

The County reserves the right to review the specific facts of any case where this policy is implicated and make exceptions on a case-by-case basis consistent with the provisions of

Indiana law, including, without limitation, the provisions of Indiana Code 36-1-20.2. Furthermore, the County reserves the right to modify or amend the provisions of this policy from time to time consistent with the provisions of the provisions of Indiana law, including, without limitation, the provisions of Indiana Code 36-1-20.2.

Failure to abide by or cooperate with the implementation, compliance and certifications connected with the nepotism policy is a violation and may result in discipline, including termination of an employee or a transfer from the direct line of supervision or other curative action. An elected official who fails to abide by or cooperate with the implementation, with the mandated certifications may be subject to action allowed by law.

EXHIBIT B

Nepotism Policy – Contracting with the County

A. Key Definitions

For purposes of this policy, “*elected official*” means any member of: (a) the Board of Commissioners of the County, or (b) the County Council.

For the purposes of this policy, “*relative*” means any of the following:

1. A spouse;
2. A parent or stepparent;
3. A child or stepchild, including adopted children;
4. A brother, sister, stepbrother, or stepsister, including brothers or sisters by the half-blood;
5. A niece or nephew;
6. An aunt or uncle; and/or
7. A daughter-in-law or son-in-law;
8. A cousin

B. Anti-Nepotism Policy Regarding County Contracts

In order to comply with Indiana law and in order to avoid potential conflicts of interests, misunderstandings and appearances of favoritism, impropriety or bias, the legislative body has adopted the following policy to establish certain minimum requirements regarding contracts between (i) any department, office or elected official of Madison County, Indiana (the “County”), and (ii) “relatives” (or businesses wholly or partially owned by relatives) of “elected officials” of the County. Except as otherwise provided herein, the County may enter into or renew a contract for the procurement of goods and services or a contract for public works with either: (i) an individual who is a relative of an elected official, or (ii) a business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this policy are satisfied and such contract would not result in a violation of Indiana Code 35-44-1-3 by the elected official.

C. Procedure to Comply

Notwithstanding any provisions of this policy and Indiana Code 36-1-21, the County may enter into or renew a contract with an individual or business entity described in the paragraph above only if the following conditions are met:

1. The elected official shall file with the Board of Commissioners of Madison County, Indiana (the "Board of Commissioners") a full disclosure statement, which must: (a) be in writing; (b) describe the contract or purchase to be made by the County; (c) describe the relationship that the elected official has to the individual or business entity with whom the County seeks to contract or from whom the County seeks to purchase; (d) be affirmed under penalty of perjury; (e) be submitted to the legislative body of the County and be accepted by the legislative body of the County in a public meeting of the legislative body prior to final action on the contract or purchase; and (f) be filed, not later than fifteen (15) days after final action on the contract or purchase, with (i) the State board of accounts, and (ii) the clerk of the circuit court of the County.
2. The appropriate agency of the County shall file a certified statement with the Board of Commissioners: (a) that the contract amount or purchase price was the lowest amount or price bid or offered; or (b) setting forth the reasons why the vendor or contractor was selected.
3. The County satisfies any other contracting requirements under Indiana Code 5-22 (concerning the purchase of goods or services) or Indiana Code 36-1-12 (concerning public works).
4. The elected official also complies with the disclosure provisions required by Indiana Code 35-44-1-3, if applicable.

D. Annual Certification by Elected Officers

Each elected officer of the County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this policy or Indiana Code 36-1-21. Each officer shall submit the certification to the Board of Commissioners not later than December 31 of each year.

E. Interpretation of Policy

This policy is intended to implement the minimum requirements necessary to comply with Indiana Code 36-1-21, as the same may be amended from time to time. If and to the extent this policy is not in compliance with Indiana Code 36-1-21, this policy shall be deemed to include such terms not otherwise included herein, and to exclude such terms not otherwise excluded herefrom, as are necessary to cause this policy to implement the minimum requirements set forth in Indiana Code 36-1-21. To the extent this policy is

inconsistent with any provision of Indiana law, including, without limitation, Indiana Code 36-1-21., such other provisions of Indiana law shall control. If any portion of this policy is held or deemed to be, or is, invalid, illegal, inoperable or unenforceable, the validity, legality, operability and enforceability of the remaining portions of this policy shall not be affected, and this policy shall be construed as if it did not contain such invalid, illegal, inoperable or unenforceable portion.

F. Right to Review Application of Policy and Make Amendments

The County reserves the right to review the specific facts of any case where this policy is implicated and make exceptions on a case-by-case basis consistent with the provisions of Indiana law, including, without limitation, the provisions of Indiana Code 36-1-21. Furthermore, the County reserves the right to modify or amend the provisions of this policy from time to time consistent with the provisions of the provisions of Indiana law, including, without limitation, the provisions of Indiana Code 36-1-21.

ORDINANCE NO. 2012-BC-0-9
OF THE BOARD OF COMMISSIONERS
OF MADISON COUNTY, INDIANA
AN ORDINANCE ESTABLISHING SMOKING POLICY

WHEREAS, in 2012 the Indiana Legislature passed, and the Governor signed HEA 1149 concerning smoking in a public place effective July 1, 2012 and

WHEREAS, IC 7.1-5-12-13 (a) authorizes the County to establish a policy more restrictive than the state statute; and

WHEREAS, the Board of Commissioners of Madison County, Indiana has determined that there is a need to establish a restrictive smoking policy on county owned property.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, INDIANA THAT:

Section 1:

The County smoking ordinance is hereby established effective July 1, 2012 including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein in accordance with provisions of IC 7.1-5-12.

Section 2:

The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

A. "Smoking shall mean:"

1. Carrying or holding of a lighted cigarette, cigar, or pipe or any other lighted smoking equipment: or
2. Inhalation or exhalation of smoke from lighted smoking equipment.

Section 3:

Smoking shall be prohibited in any county owned, leased, or operated property and place of employment, including vehicles but not limited to the Madison County Government Center, Government Center Annex, County Highway Department facilities, County Health Clinic, County Corrections facilities including Madison County Jail, Juvenile Center, CJC, and the county firing range.

ORDINANCE NO. 2013-BC-0-08

**ORDINANCE ESTABLISHING TRAVEL POLICY
FOR EMPLOYEES OF MADISON COUNTY, INDIANA
AND REPEALING ALL ORDINANCES IN CONFLICT HERE WITH**

WHEREAS, the Board of Commissioners of Madison County, Indiana has found that a need exists for the establishment of certain travel policies for the employees of Madison County, Indiana; and,

WHEREAS, Indiana statutes authorize County officials and their assistants employed by the County to attend conferences; and,

WHEREAS, it is necessary periodically for certain employees of Madison County to travel for work-related business, and to attend conferences; and,

WHEREAS, Indiana statutes allow for payment of travel expenses, including mileage and lodging, by the County for the attendance at said business conferences; and,

WHEREAS, the County's previous Ordinance establishing travel policy, Ordinance No. 2001-BC-0-04, dated March 6, 2001, as amended from time to time, is hereby repealed and replaced as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MADISON COUNTY, INDIANA:

1. The following shall be allowable expenses to be paid by Madison County:
 - (a) Mileage. No mileage will be paid if a County vehicle is used. An allowance will be paid for each mile necessarily traveled in going to and returning from place of business or conference by the most expedient route at a rate equal to the State authorized rate or as determined by the fiscal body of the unit the official represents. This rate per mile shall be subject to modification at any time the State changes its rate per mile.
 - (b) Lodging. Lodging will be paid for by the County for each night preceding conference attendance or each night preceding day of County business equal to the single room rate. If more than one (1) County employee stays in the same room, the rate paid shall be at the rate billed for more than one (1) person at standard room rates.
 - (c) Taxes. All taxes, including, but not limited to innkeepers tax and sales tax charged to a lodging bill shall be paid by the County.

- (d) Subsistence. Allowance for meals for each day in attendance or in travel status will be the subsistence allowance for meals allowed by the State. However, there will be no such allowance for meals for any conference lasting one (1) day or less and which does not require an overnight stay. However, if meals are provided at the event wherein the employee is attending, there will be no per diem paid. If meals are not provided, the employee must submit meal receipts before reimbursement will be made. The maximum expense for individual meals is as follows:

- (i) Breakfast - \$6.00;
- (ii) Lunch - \$6.00; and,
- (iii) Dinner - \$12.00.

If meals are included in the event for which meals can be paid and if the employee decided not to eat the meals which are provided, then the employee will not be allowed reimbursement for the otherwise allowed meals.

- (e) Miscellaneous. The County will pay the following expenses that are reasonable and subject to by receipts being provided for the expenditures. These include: parking fees, but not more than \$20.00 per day; airline costs; rental car; gasoline expenses for said rental car; toll charges; official long distance telephone calls and other usual and customary expenses.

- (f) Items Not Authorized. The following expenditures will NOT be paid by the County:

- (i) Personal long distance telephone calls;
- (ii) In-room dry bar expenses;
- (iii) In-room movies;
- (iv) Room service;
- (v) Tips;
- (vi) Additional persons in room, such as spouse, sibling or person not required to be on official County related business or travel; and,
- (vii) Valet parking.

- (g) Education. The County will pay for the education for employees as required by State statute or regulation. All educational expenses must be approved by the Madison County Commissioners in advance and payment will be made upon the successful completion of said education. If the successful passing of an educational course or class is required, then the employee must show the successful results of the course or class before reimbursement is allowed.

- (h) Other Expenses. Other expenses as approved by the Commissioners.

2. All payments for mileage and lodging shall be made by the proper disbursing officer in the manner provided by law on a duly verified claim or voucher to which shall be attached a receipt for the expenditure. All payments shall be made from the individual's department appropriation, unless specific notice has been provided from the State that the payment is to be made from the County's general fund without appropriation.

3. Previous Ordinance No. 2001-BC-0-04, as amended since its initial passage, is hereby repealed.

4. The provisions of this Ordinance are severable and this Ordinance shall be in full force and effect from and after its passage upon publication as required by law.

THIS ORDINANCE HAVING BEEN APPROVED AND ADOPTED by the Board of Commissioners of Madison County on this 21 day of May, 2013.


BOARD OF COMMISSIONERS OF
MADISON COUNTY, INDIANA


John M. Richwine, President


Steffanie L. Owens


Jeffrey L. Hardin

ATTEST:


Auditor of Madison County, Indiana

Prepared by:

James W. Wilson/#1286-48

Bingham, Farrer & Wilson, P.C.

Attorneys at Law

P. O. Box 494

Elwood, IN 46036

Telephone: (765) 552-9878

Facsimile: (765) 552-5496

C:\juliew\JWW\County\Ordinance Employee Travel Policy 5 14.13.wpd

ORDINANCE NO. 2013-BC- 0-10
MADISON COUNTY BOARD OF COMMISSIONERS
ORDINANCE ADOPTING THE COUNTY OF MADISON,
INDIANA PERSONNEL POLICY HANDBOOK

WHEREAS the County of Madison, Indiana is an Equal Opportunity Employer; and,

WHEREAS it is the intent of Madison County, Indiana to comply with applicable Federal and State of Indiana employment laws and regulations; and,

WHEREAS Madison County, Indiana provides Madison County employees with information about established terms, conditions of employment, and employee benefits; and,

WHEREAS, in furtherance of the above recitals, Madison County has created its new County of Madison, Indiana, Personnel Policy Handbook.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF MADISON, INDIANA BOARD OF COMMISSIONERS THAT:

SECTION 1: The attached County of Madison, Indiana Personnel Policy Handbook is hereby adopted this 2nd day of July, 2013, and shall be in full force and effect upon adoption, and shall supersede and repeal all existing oral and written Personnel Policies and Procedures and specifically including all prior Madison County, Indiana Personnel Policy Handbooks.

SECTION 2. Severability: If any part of this County of Madison, Indiana Personnel Policy Handbook shall be held invalid by operation of law or tribunal of competent jurisdiction, or compliance with or enforcement of any part of this County of Madison, Indiana Personnel Policy Handbook shall be restrained by such tribunal, the remainder of this County of Madison, Indiana Personnel Handbook shall not be affected and shall remain in full force and effect.

PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this 2nd day July, 2013.

MADISON COUNTY BOARD OF COMMISSIONERS:

BY:


JOHN M. RICHWINE, PRESIDENT


STEFFANIE OWENS, VICE PRESIDENT


JEFFREY L. HARDIN, MEMBER

ATTEST:


JANE LYONS, MADISON COUNTY AUDITOR

EXHIBIT E

Employee Personnel Policy Handbook Acknowledgement Form

The Madison County Personnel Policies Handbook describes important information about employment with Madison County Government, and I understand that I should consult the Madison County Commissioners, the Director of Human Resources, or my immediate supervisor regarding any questions not answered in the Madison County Personnel Policy Handbook.

Since the information, policies and benefits described in the Madison County Personnel Policies Handbook are necessarily subject to change, I acknowledge that revisions to the personnel policy handbook may occur. I understand that revisions in any new handbook will supersede all prior personnel policy handbooks and may modify or eliminate existing policies and/or information. Only the Madison County Board of County Commissioners has the authority to adopt, revise, modify, create, or eliminate policies in the Madison County Personnel Policy Handbook.

I understand the descriptive materials contained in this personnel policy handbook are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions I have regarding summaries, the underlying policies and procedures, and any discrepancies will be directed to the Madison County Commissioners, the Director of Human Resources, or my immediate supervisor.

I have entered into my employment relationship with Madison County voluntarily and acknowledge that there is no specified length of employment. Accordingly, either Madison County or I can terminate the employment relationship "at-will", with or without cause, at any time, so long as there is no violation of applicable federal and state law. Furthermore, I acknowledge that this personnel policy handbook is not a contract of employment with Madison County.

I have received the Madison County Personnel Policy Handbook, and I understand that it is my responsibility to read and comply with the policies and procedures contained herein and any subsequent revisions. I understand that a copy of this Employee Handbook Acknowledgement Form will be placed in my personnel record as proof of receipt of the Madison County Personnel Policy Handbook.

Employee's Name (Please print)

Today's Date

Employee's Signature

Department Name

MADISON COUNTY PERSONNEL **POLICY HANDBOOK**

Adopted July 2, 2013 by the Madison County Board of Commissioners Ordinance No. 2013-BC-O-10, revised by the Madison County Commisisoners, effective 1/1/2016.

SECTION 1: PERSONNEL POLICIES HANDBOOK

The policies contained in this section and throughout the Madison County Personnel Policies Handbook apply to all Madison County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

1.1 USES AND REVISION OF PERSONNEL POLICIES HANDBOOK

This Madison County Personnel Policies Handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Madison County to benefit its employees. An objective of Madison County is to provide a work environment that is conducive to both personal and professional growth.

Nothing in this handbook is intended to in any sense constitute a contract of employment. Madison County is an "At-Will" employer, which refers to the nature of the employment relationship that means the employee may resign at any time and the employer may dismiss an employee at any time with or without cause.

Please understand that this handbook cannot anticipate every situation or answer every question about employment with Madison County. As Madison County continues to evolve, the need may arise to change policies described in the handbook. Madison County therefore reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time, as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of any changes that occur.

While Madison County believes these policies are accurate, many are only summaries, and any discrepancies between these summaries shall be governed by the actual terms of the underlying, more detailed plan documents.

1.2 EXCEPTIONS AND SPECIAL CONDITIONS

These policies apply to all Madison County employees, except when in conflict with special employment conditions set forth by various statutes governing employment relationships.

Where federal and state laws or regulations supersede Madison County policies, employees will be instructed to observe the requirements of these state and federal laws.

1.3 RESPONSIBILITIES AND AUTHORITY

1.3.1 Human Resources Department: The Director of Human Resources shall:

- Have overall responsibility for maintaining and coordinating personnel transactions and records management systems and procedures for all Madison County employees, including union employees.

- Establish and maintain central personnel files, records, and other pertinent employment information for each Madison County employee.
- Establish and maintain personnel transaction forms and administration of procedures.
- Develop, recommend, and implement policies and procedures.
- Advise and assist elected officials, department and program directors, and managers and supervisors on Madison County personnel policies, transactions, and records management systems and procedures.

1.3.2 Elected Officials/Department Directors/Managers and Supervisors: The elected official/department or program director/manager/supervisor shall:

- Initiate and process personnel transactions affecting their employees by forwarding various personnel records/forms to the Human Resources Department.
- Maintain written records of employees as required by law and Madison County policy. Original records shall be forwarded to the Human Resources Department for inclusion in the master file.

1.3.3 Employees: The employees shall:

- Be responsible for notifying their supervisor and the Human Resources Department of any changes that affect their personal status.
- Be responsible for completing the Employee Information Form for personal changes.
- Be responsible for signing the following personnel, payroll, and orientation forms: (A) Employee Acknowledgement Form for receipt of personnel policies and procedures; (B) Payroll Deduction Authorization Forms when applicable; (C) Employee's Withholdings forms; (D) Form I-9 Employment Eligibility Verification; (E) Confidentiality Agreements; (F) Direct Deposit Form; and (G) Other forms relevant to personnel, payroll, benefits, and orientation.

1.4 PERSONNEL POLICIES ADMINISTRATION

The Madison County Commissioners and the Director of Human Resources shall meet as deemed necessary to review personnel policies and perform certain personnel administration or functions such as: (1) Reviewing employee complaints in connection with the problem resolution procedure in the Madison County Personnel Policies Handbook and providing recommendations as warranted; (2) Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary; and (3) Conducting investigations into the conduct of Madison County business for the purpose of correcting deficiencies and insuring adherence to law and Madison County policies and regulations.

It shall be the responsibility of the Madison County Commissioners to interpret these policies and procedures, and to ensure that the administration of such policies is consistent and impartial.

1.5 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the County of Madison to provide equal opportunity in employment to all employees and applicants, and to prohibit discrimination in employment. Madison County does not discriminate against a person on the basis of race, color, gender, national origin, religion, age, disability, genetics, military status, conviction or arrest record that has been expunged or sealed by a court, or any other classification protected under applicable law in employment or the provision of services.

Retaliation against a person who files a complaint or charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice is expressly prohibited.

This policy applies to all terms, conditions, and privileges of employment including, but not limited to, hiring, probation, training, promotion, transfer, compensation, benefits, layoff, recall, employee facilities, dismissal, and retirement.

All position notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

1.6 MANAGEMENT RIGHTS

Madison County retains the responsibility and authority to manage and direct on behalf of the public the operations and activities of Madison County to the full extent authorized by law. Such responsibility and authority shall include, but not be limited to:

1. The right to direct the work of its employees.
2. The right to establish policy.
3. The right to maintain the efficiency of public operations.
4. The right to design and implement on-the-job safety programs for employees.
5. The right to design and implement job training for employees.
6. The right to determine what services shall be rendered to the public.
7. The right to determine job content and job descriptions, subject to approval by the Director of Human Resources.
8. The rights to determine, effectuate, and implement the objectives and goals of Madison County.
9. The rights to establish, allocate, schedule, assign, modify, change, and discontinue Madison County operations, work shifts and working hours.
10. The rights to establish, modify, change, and discontinue work standards.
11. The rights to hire, examine, classify, train, transfer, assign, and retain employees; suspend, dismiss, or take other disciplinary action against employees according to applicable laws and Madison County policies; relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions.

12. The rights to change, modify, reduce, and alter the composition of the work force.
13. The rights to determine, establish, set and implement policies for the selection, training, and promotion of employees in accordance with applicable laws and Madison County policies.
14. The rights to establish, implement, modify, and change on-the-job procedures and policies for the safety, health, and protection of Madison County property and personnel.
15. The rights to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies that are not in direct conflict with any provisions of this agreement.
16. The rights to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment.
17. The right to determine the size and character of inventories and its disposal.
18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by Madison County.
19. The rights to locate, establish, and organize new departments, divisions, subdivisions, or facilities thereof; and the rights to relocate departments, divisions, subdivisions, or facilities thereof; and the rights to close and/or discontinue departments, divisions, subdivisions, or facilities- subject to approval by the Madison County Commissioners.
20. The above enumeration of management rights is not inclusive of all such rights. All rights granted to Madison County by constitution, statute, charter, ordinance, or in any manner are retained by Madison County.

1.7 PRODUCTIVE WORK ENVIRONMENT

It is the policy of Madison County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment will not be tolerated.

1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

Verification of Employment Eligibility: All applicants must cooperate with Madison County in its compliance with the Immigration Reform and Control Act of 1986. Applicants shall complete Form I-9, Employment Eligibility Verification and show proof of identity and employment eligibility within the first three (3) days of employment. Applicants and/or newly hired employees who refuse to or are unable to supply the documentation necessary to prove that they are citizens of the United States or aliens authorized to work in the United States will not be considered or eligible for employment with Madison County.

The prescribed Form I-9 shall be properly completed and maintained by the Human Resources Department and retained as required by law.

1.9 E-VERIFY

The Human Resources Department shall administer the E-Verify enrollment of all Madison County new-hires; and shall ensure that appropriate forms are properly completed and retained as required by law.

1.10 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS

All Madison County employees shall complete the Verification of Eligibility for Local Public Benefits Form to ensure entitlement to a federal public benefit as defined by IC 12-32-1-2 and state or local public benefits as defined by IC 12-32-1-3. This form shall be administered and retained by the Human Resources Department as required by law.

SECTION 2: EMPLOYMENT POLICIES

The policies contained in this section and throughout the Madison County Personnel Policies Handbook apply to all Madison County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

2.1 RECRUITMENT AND HIRING

Hiring talented and qualified individuals is critical to the success of Madison County Government. Authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the elected official or designated department manager.

Basic qualifications of formal education, background, job ability, and experience shall be reasonably determined before recruiting begins and shall be based upon job requirements as well as requirements of applicable federal, state and local laws.

Job openings shall be reported to the Human Resources Department by the elected officials or department managers to be publicly posted on bulletin boards located in Madison County buildings for ten (10) business days. Website, newspaper, and trade journal advertising may be used in the recruiting process based upon the urgency and/or specialization of the job requirements. Job announcements shall include the department name, position title, status, FLSA status, job category, and a description of the basic qualifications for the position. In addition, it will be stated that Madison County is "An Equal Opportunity Employer."

All newly hired or re-hired employees shall report to the Human Resources Department to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs. An employment application must be on file prior to being hired or being placed on Madison County payroll.

Madison County encourages internal promotion and transfer whenever possible.

2.2 EMPLOYMENT APPLICATIONS

All job applicants are required to complete a Madison County Employment Application in its entirety. Madison County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring and employment process. Any misrepresentations, falsifications, or material omissions may result in Madison County's exclusion of the individual from consideration for employment, or if the person has been hired, termination of employment whenever it is discovered.

The standardized *Employment Application* form, maintained by the Human Resources Department shall request only information lawfully permitted, specifically related to occupational standards, and for rational decision-making. Placement of an employment application with Madison County does not mean that all applicants will be interviewed. Equal consideration will be given to all applicants based on qualifications listed for the job. Madison County does not discriminate against a person on the basis of race, color, gender, national origin,

religion, age, disability, genetics, military status, conviction or arrest record that has been expunged or sealed by a court, or any other classification protected under applicable law in employment or the provision of services.

Applications will be retained in active files for one (1) year, or for the duration of applicant recruitment lists when used, such as with the Sheriff Merit Board. Applications shall be returned to the Human Resources Department prior to hiring or being placed on Madison County payroll.

2.3 APPLICANT TESTING

Madison County may use tests and other selection procedures to screen applicants for hire. Applicant tests include, but are not limited to: basic written and computer skills tests, mechanical or physical agility tests, cognitive tests, talent assessment tests, medical and/or psychological examinations, emotional intelligence tests, English proficiency tests, mathematics tests, drug tests, criminal background, and credit checks. Such tests are to be related to the requirements of the position and for the purposes in which the tests are being used.

Madison County does not discriminate against a person on the basis of race, color, gender, national origin, religion, age, disability, genetics, military status, conviction or arrest record that has been expunged or sealed by a court, or any other classification protected under applicable law in employment or the provision of services.

2.4 PRE-EMPLOYMENT INTERVIEWS

Pre-employment interviews may be used to gather information and screen applicants for employment with Madison County. The official and/or the Director of Human Resources receiving the application may conduct initial interviews, although the final interview is reserved for the administrative official making the employment decision.

Madison County does not discriminate against a person on the basis of race, color, gender, national origin, religion, age, disability, genetics, military status, conviction or arrest record that has been expunged or sealed by a court, or any other classification protected under applicable law in employment or the provision of services.

2.5 CONDITIONAL OFFER OF EMPLOYMENT

Applicants may receive a conditional offer of employment that is dependent on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, drug tests, criminal background checks, and driving record requirements. Applicants who receive a conditional offer of employment are not employees of Madison County until they receive official notice of employment. Madison County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

2.6 MEDICAL EXAMINATIONS

Madison County may require current employees and applicants to whom a conditional offer of employment has been offered to undergo medical examinations when the examinations are job-related and consistent with business necessity for the safe operation of Madison County Government.

Medical examinations required of successful applicants or current employees to establish their fitness to safely perform the duties of the job in which they applied for or are assigned will be paid for by Madison County. If management determines that an examination is appropriate for a particular position, all successful applicants who are offered the job and all employees who are assigned to the position should be examined. Examinations will be performed by a physician or licensed healthcare facility designated or approved by the Madison County Commissioners.

Employees returning to work from an approved leave of absence, such as military leave or medical leave under the Family and Medical Leave Act (FMLA), may be required to submit a fitness-for-duty medical evaluation prior to returning, or to meet terms and conditions associated with performing job duties.

Employees who need to use prescription or nonprescription legal drugs while at work must report this to their supervisor if the use of the medication might impair their ability to perform the duties safely.

The Human Resources Department will keep information about an employee's medical condition or history in a confidential file that is separate from other employee information. Access to this information will be limited to the employee, elected official and/or department manager of the employee, designated employees responsible for processing insurance and worker's compensation claims, and persons designated by the Madison County Commissioners on a need-to-know basis.

2.7 EMPLOYMENT CATEGORIES

It is the intent of Madison County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will at any time is retained by both the employee and Madison County.

Any changes in employment status must be conveyed in writing on proper forms by the manager and submitted to the Human Resources Department. No change in employment status is to be construed or inferred without the proper written notification.

Employees are assigned to one of the following employment categories:

Regular Full-Time: Employees with a recurring work schedule of a minimum of thirty (30) hours per week and whose employment is not limited to a specified period of time or purpose;

paid through Madison County payroll. Such employees are eligible for the employer's benefit package subject to the terms, conditions, limitations, and eligibility of each benefit program. Regular full-time employees include exempt and non-exempt classifications.

Regular Part-Time: Employees with a recurring work schedule with designated hours totaling less than thirty (30) hours per week and whose employment is not limited to a period of time or purpose; paid through Madison County payroll. **Note:** Part-time employees may actually work more than thirty (30) hours per week in a given workweek; the designation as part-time is based upon the regularly scheduled and approved hours. While part-time employees do receive certain benefits, such as worker's compensation and other benefits lawfully required, they are ineligible for all of Madison County's other benefit programs.

Temporary: Employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project; paid through Madison County payroll. Employment assignments in this category are of a limited duration. Employment beyond the initially stated period or in excess of initially projected work hours does not in any way imply a change in employment status. While temporary employees do receive certain benefits, such as worker's compensation and other benefits lawfully required, they are ineligible for all of Madison County's other benefit programs.

The Madison County Council sets the compensation rates annually for all positions.

2.8 EMPLOYMENT REFERENCE AND BACKGROUND CHECKS

To ensure that individuals who are employed by Madison County are well qualified and have a strong potential to be productive and successful, it is the policy of Madison County to check the employment references of all applicants.

At the discretion of the elected officials, Director of Human Resources and department managers and in accordance with applicable laws, applicants may be subject to criminal background and credit checks relevant to the job and consistent with business necessity. Madison County will not discriminate against an applicant because of a conviction or arrest record that has been expunged or sealed by a court.

Madison County will respond only to written reference or verification of employment inquiries of former or current Madison County employees from outside employers or agencies. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Employment data will not be released without a written authorization and release signed by the individual who is the subject of the inquiry.

Elected officials/department managers should direct questions regarding reference, background, and/or credit checks to the Director of Human Resources.

2.9 PERSONNEL RECORDS

Employee personnel records, including the documented employment selection procedures, are confidential to the extent provided for by law.

Employee personnel records are maintained by the Human Resources Department and will be kept for seven (7) years, or the minimum time required by Indiana laws and regulations for the retention and archival of governmental documents.

Madison County maintains separate personnel records concerning the employee's employment history:

Personnel File: The personnel file stores the employment history of each employee. Documents contained in the personnel file include, but are not limited to, employment application; resume; educational verification and accomplishments; employment and personal reference checks; position description; job analysis records; job offer letter; salary; emergency contact information; signed employee handbook acknowledgement form; any relocation agreements; forms relevant to promotion or job transfer; any contract, written agreement, receipt, or acknowledgement between the employee and Madison County; I-9 form; E-Verify documentation; eligibility for local public benefits form; retirement forms; change in personal information; records of training; and other documents related to employment.

Certain documents in this file are deemed confidential and shall be released only to persons on a need-to-know basis or when lawfully required.

Administrative File: Contents contained in this file include, but are not limited to, copies of performance appraisals or development plans; employee self-assessments; records from any formal counseling sessions; notes on attendance or tardiness; performance improvement plans; disciplinary action reports; employee formal suggestions; administrative leaves; competencies assessments; complaints from customers or coworkers; and other administrative file documents.

Documents contained in the administrative file are confidential and may be exempt under the Indiana Public Records Law. This file shall be maintained by the elected officials and/or department managers and shall be released only to persons on a need-to-know basis or when lawfully required. Copies of records affecting employee compensation or benefits shall be forwarded to the Human Resources Department.

Medical File: The material contained in the employee's medical file is strictly confidential and may be exempt under the Indiana Public Records Law. Contents include, but are not limited to, requests for paid or unpaid medical leaves of absence; Family Medical Leave Act (FMLA) reports and related paperwork; health, life, dental, vision, flexible spending, and other benefits enrollment applications; physician's examination notes, correspondence, and recommendations; medically related excuses for absences or tardiness; medical job restrictions and/or ADA accommodations; results of alcohol and drug tests; accident and injury reports; worker's compensation documents; and any other form or document that contains private medical information about an employee.

The Human Resources Department shall maintain this file; and access to employee medical files is restricted to Human Resources staff. Limited information shall be released to persons on a need-to-know basis or when lawfully required.

CDL File: The Director of Human Resources shall also maintain a separate file of random drug and alcohol tests results for employees required to maintain a Commercial Driver's License (CDL). This file is highly confidential; and access is limited to the Director of Human Resources or designee.

2.10 ACCESS TO EMPLOYEE PERSONNEL RECORDS

Employee personnel files are property of Madison County, and access to the information contained in the files is restricted to the extent provided for by law. Only officials or representatives of Madison County who have a legitimate reason to review information in a file are allowed to do so.

An employee's personnel records will be available to him/her during Madison County's normal business hours, upon written request to the elected official, department manager, or the Director of Human Resources. With reasonable advance notice, the employee may review material in his/her personnel file in the presence of the manager or Director of Human Resources. Upon request, Madison County will provide the employee copies of any documents contained in his/her personnel records.

No information shall be provided to any person concerning the employment of an employee or former employee other than job title, department, date of hire, salary, and date of termination. All calls and/or correspondence received regarding current employees or former employees shall be directed to your manager.

2.11 PERSONAL INFORMATION CHANGES

It is the responsibility of each employee to promptly notify the Human Resources Department of any of the following changes: (1) your name; (2) home address; (3) telephone numbers; (4) marital status; (5) number and names of dependents; (6) emergency contacts; (7) educational accomplishments; (8) citizenship; and (9) all other changes relevant to your personnel records.

Personal information should be updated and accurate at all times. Any unreported changes may impact terms and conditions of employment policies and/or eligibility under Madison County's benefits programs.

2.12 ORIENTATION

The Human Resources Department shall conduct an informal orientation to familiarize new employees with Madison County Government. A copy of the Madison County Personnel Policy Handbook and any applicable workplace rules and procedures will be provided to the employee.

It is the responsibility of each employee to read and understand the Madison County Personnel Policy Handbook and other contents provided. Employees are required to sign the Employee Acknowledgment Form for receipt of the personnel policy handbook. In addition, each employee is responsible for the proper completion and timely submission of personnel, payroll, and benefits enrollment forms to the Human Resources Department.

2.13 PROBATIONARY PERIOD

The probationary period is intended to provide new, rehired, promoted, and/or transferred employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Madison County uses this period to evaluate employee capabilities, work habits, and overall performance.

All new, rehired, promoted, and/or transferred employees work on a probationary basis for the first ninety (90) calendar days after their date of hire, or date of promotion or transfer, except Sheriff Department police officers who shall work on a probationary basis for the first (12) months after their date of hire. Any significant absence will automatically extend a probationary period by the length of the absence. If Madison County determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period. A probationary employee may be dismissed at any time during his/her probationary period, or extension thereof, with or without cause.

Upon satisfactory completion of the probationary period, employees enter the "regular" employment classification. Elected officials/department managers shall provide written notification to the Human Resources Department of employees who satisfactorily complete the probationary period.

During the probationary period, new employees are eligible for those benefits that are required by law, such as worker's compensation insurance. They may also be eligible for other employer-provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information about each benefit program to become familiar with the eligibility requirements. Questions regarding benefits should be directed to the Human Resources Department.

2.14 PERFORMANCE EVALUATIONS

Supervisors and employees need to discuss job performance and goals on an informal periodic basis. All new employees are to be evaluated prior to the end of the probationary period and periodically as appropriate.

Annual performance evaluations shall be conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Supervisors shall provide copies of employees' performance evaluations to the Human Resources Department.

2.15 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization, unless lawfully prohibited, as long as he/she satisfactorily performs his/her job responsibilities with Madison County. All employees

will be judged by the same performance standards and will be subject to Madison County's scheduling demands, regardless of any existing outside work requirements.

If Madison County determines that an employee's outside work interferes with performance or the ability to meet the job requirements with Madison County, the employee may be asked to terminate the outside employment if he/she wishes to remain employed with Madison County.

2.16 REQUESTS FOR INFORMATION

Occasionally, outsiders for information about current or former employees, or about Madison County's policies, practices or projects contact employees of Madison County. It is essential for Madison County Government to protect confidential and other proprietary information. Employees are advised to consult with the elected official or department manager before releasing information that could be confidential or restricted by law.

All such requests, including other public records requests or inquiries made by the media, must be referred to the appropriate official(s) in your department organization.

It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

2.17 LAYOFF AND RECALL

Madison County maintains the right to reduce its workforce. Whenever a reduction in workforce is necessary because of adverse economic conditions, lack of work, lack of funds or projected lack of funds, job abolishment, changed business circumstance, and/or reorganization, the Madison County Commissioners will determine the classifications in which the layoffs shall occur and the number of employees to be laid off in each department.

Determinations on which employees will be laid off will include employee ability and qualification, education and experience, length of continuous service, operational needs of Madison County, and terms and conditions addressed in respective collective bargaining agreements. Employees selected for layoff will be given as much notice as is required by law or as much is reasonable under the circumstances. Employees who are laid off will be maintained on a recall list for twelve (12) months or until the Madison County Commissioners determines the layoff is permanent.

Credit for seniority will continue to accumulate during any layoff period of twelve (12) months or less. Employees who are laid off shall not accrue vacation, personal, holiday, or sick leave during the layoff; however, such persons will be eligible for healthcare benefits continuation (COBRA) and other mandated benefits, subject to eligibility requirements and terms and conditions lawfully applicable. Employees laid off for more than twelve (12) months and subsequently recalled within twenty-four (24) months from the date of the layoff will be credited with the years of service accumulated at the time of layoff.

Employees will be recalled according to the needs of Madison County, their classification, and their ability to perform the job. Demonstrated current and past performance and transferability of

skills to other positions within the department will also be considered. Notice of recall will be sent by registered mail to the current home address on record with the Human Resources Department. Unless an employee responds to the recall notice within ten (10) calendar days following receipt of the certified notice or its attempted delivery, the employee's name will be removed from eligibility for further recall, and the employee will no longer have any job rights with Madison County.

Compensation for an employee separated due to a layoff will be made on the next scheduled payday. The final check will include vacation and compensatory leave time, as appropriate.

2.18 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT

In the event that a full-time employee is elected to a Madison County elective office, or appointed to fulfill the remainder of the term of a departed elected official, he/she shall be compensated for any accrued vacation or compensatory time earned as a regular full-time employee. Such employee's sick days will be frozen and available for use in the event the elected official returns to a non-elected full-time position without any interruption in Madison County employment. Also, if such elected official returns to a non-elective full-time position, his/her time in elective office shall count as years of service for the purposes of determining the amount of eligible vacation time or other benefits based on years of service with Madison County.

If the elected official does not return to a non-elected full-time position and worked ten (10) or more consecutive years for Madison County, he/she shall be paid for accrued sick leave according to the Sick Leave policy.

2.19 NEPOTISM AND CONTRACTING WITH MADISON COUNTY

Effective July 1, 2012, Indiana Code (IC) 36-1-20.2 specifies that relatives may not be employed by a unit of government in positions that result in one relative being in the direct line of supervision of the other relative.

Pursuant to Indiana Code 36-1-21, the legislative body of a unit is required to adopt a policy for the unit regarding contracts between the unit and relatives (or business entities wholly owned or partially owned by relatives) of elected officials of the unit.

The Board of Madison County Commissioners has adopted Resolution No. 2012 R-07 to ensure compliance by Madison County with employment matters and matters related to County contracts mandated by the State of Indiana. A copy of this Resolution is included in the Exhibits Section of this personnel policy handbook – Exhibit A.

Offenders of this policy may be subject to penalties for perjury- a Class D felony.

2.20 ELECTIVE OFFICER AND MADISON COUNTY EMPLOYMENT RESTRICTED

Effective January 1, 2013 Indiana Code 3-5-9 specifies that a government employee is considered to have resigned from employment with Madison County (unit of government) if the employee assumes the elected executive office of Madison County or becomes an elected member of Madison County's legislative or fiscal body.

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of Madison County (unit of government) if the County receives fire protection services from the department in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or holds an elected office on January 1, 2013 may continue to hold the office and be employed by Madison County or serve as a volunteer firefighter until the expiration of the term of office.

SECTION 3. SALARY ADMINISTRATION

The policies contained in this section and throughout the Madison County Personnel Policies Handbook apply to all Madison County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

3.1 NORMAL WORKWEEK

The normal workweek begins on Saturday at 11:00 P.M. and ends on the following Saturday at 10:59 P.M.

The Madison County Board of Commissioners reserves the right to change the workweek.

3.2 WORK HOURS

Regular work hours for Madison County offices are established by the Madison County Board of Commissioners and may be changed upon one (1) week's notice.

Many Madison County offices (Madison County Government Center and Madison County Annex) are opened to the public Monday – Friday between 8:00 a.m. – 4:00 p.m., except in designated departments.

The Madison County Commissioners shall establish the work hours, and reserves the right to change work hours as may be required to meet service or workload demands, at the Madison County Highway Department.

The Madison County Sheriff shall establish the work hours, and reserves the right to change work hours as necessary, at the Madison County Detention Center.

Elected officials and/or department managers will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

3.3 TIMEKEEPING AND COMPENSATION ORDINANCES

The following Ordinances are adopted by reference to this personnel policy handbook and are available in the Human Resources Department:

- Ordinance No. 2001-BC-14; An Ordinance Establishing Timekeeping and Compensation Policies and Procedures, adopted by the Madison County Board of Commissioners on October 16, 2001 to be effective January 1, 2002.
- Ordinance No. 2001-10F; An Ordinance Establishing Timekeeping and Compensation Policies and Procedures, adopted by the Madison County Council on November 30, 2001 to be effective January 1, 2002.

The following Exhibits are included in the Ordinance(s) indicated above and are adopted by reference and made part of this personnel policy handbook:

- Exhibit A - County Merit Police Officers: The terms and conditions of the above ordinances are applicable to Madison County merit police officers covered by the Fraternal Order of Police Lodge #48 collective bargaining agreement.
- Exhibit B - County Highway Employees: The terms and conditions of the above ordinances are applicable to Madison County Highway Department employees covered by the American Federation of State, County, and Municipal Employees Council 3609 collective bargaining agreement.
- Exhibit C - County UAW and Non Union Employees: The terms and conditions of the above ordinances are applicable to Madison County employees covered by the United Auto Workers Local 1963 Collective bargaining agreement and non-union employees covered by this Madison County Personnel Policies Handbook.

3.3.1 Timekeeping

Federal and state laws require Madison County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all time actually spent on the job performing assigned duties. Timekeeping shall be maintained on Madison County approved time forms and/or electronic systems, which shall be a condition of receiving compensation.

The Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA) require that certain records be kept on each covered non-exempt worker. The records must include accurate information about the employee and data about hours worked and wages earned. Madison County is required to maintain the following records:

- Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
- Address, including zip code;
- Birth date if younger than 19;
- Gender and occupation;
- Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
- Basis on which the employee's wages are paid;
- Regular hourly rate;
- Total daily or weekly straight-time earnings;
- Total overtime earnings for the workweek;
- All additions to or deductions from the employee's wages;
- Total wages paid each pay period;
- Date of payment and the pay period covered by the payment;

Indiana Code (IC) 5-11-9-4 requires that public sector employees maintain records showing

which hours were worked each day. These records are subject to audit by State Board of Accounts. Employees should accurately record the time they begin and end their work and the time they begin and end each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Accurately recording time worked on forms and/or electronic time machines/computer software is the responsibility of every employee.

Employees shall record the use of sick leave, personal leave, vacation leave, Family and Medical leave, military leave, bereavement leave, or any other type of approved leave on appropriate time records. Failure to record the leave in any status may result in the employee not being paid for the leave.

Note: Overtime worked shall be approved by the elected official/department manager before it is performed.

Tampering, altering, or falsifying time records or recording time on another employee's time record shall result in disciplinary action, up to and including termination of employment.

3.4 OVERTIME AND COMPENSATORY TIME

Each Madison County employee holds a position that is designated as either *Exempt* or *Non-Exempt* from federal and state wage and hour laws, such as the Fair Labor Standards Act (FLSA); and employees holding such positions are treated accordingly:

Non-Exempt positions, whether hourly or salaried, are entitled to overtime pay or compensatory time off at the rate of one and one-half (1 ½) hours pay for each hour worked under the specific provisions of federal and state laws.

Exempt employees are excluded from specific provisions of federal and state wage and hour laws, and are not entitled to and shall not receive overtime compensation or compensatory time off under specific provisions of federal and state laws. Exempt employees shall maintain time keeping records to satisfy Indiana statutes governing public employers by recording the use of sick leave, personal leave, vacation leave, Family and Medical leave, military leave, bereavement leave, or any other type of approved leave on appropriate time records.

Elected officials are excluded from Fair Labor Standards Act (FLSA) wage and hour laws.

A list of Madison County position titles and Fair Labor Standards Act (FLSA) exempt or non-exempt status is maintained in the Human Resources Department.

Ordinance 2001-BC-14 and Ordinance 2001-10F, adopted by reference to this personnel policy handbook, specifies overtime policies, procedures, and methods for calculating overtime compensation and compensatory time off for employees covered by each exhibit. These ordinances are made available in the Human Resources Department.

3.4.1 Overtime

Employees may be required to work overtime when operating requirements or other needs cannot be met during regular working hours. Overtime assignments will be distributed as equitably as practical to employees qualified to perform the required work. **Note:** The elected official or department manager must approve all overtime worked. Failure to receive prior authorization for any overtime may result in disciplinary action, up to and including termination of employment.

Overtime compensation is paid to non-exempt employees in the form of monetary reimbursement or compensatory time, in accordance with federal and state wage and hour restrictions. Non-exempt employees working in excess of forty (40) hours in a workweek shall receive:

- FLSA compensatory time off at a rate of one and one-half (1 ½) hours for all hours worked in excess of forty (40) hours in a workweek; or
- FLSA overtime compensation at the rate of one and one-half (1 ½) times an employee's regular hourly rate for all hours worked in excess of forty (40) hours in a workweek.

When all factors of overtime computation have been determined, the employee is paid:

- 1 x all overtime hours at the straight time rate, and
- 1 x all overtime hours at 1/2 the regular rate.

Calculating overtime is based on actual hours worked in accordance with: (1) federal and state wage and hour regulations; (2) terms and conditions addressed in collective bargaining agreements; (3) benefits defined in the Madison County Personnel Policy Handbook; and (4) other Ordinances/Resolutions or policies approved by the Madison County Commissioners.

Note: While covered by the recordkeeping provisions of the Fair Labor Standards Act (FLSA) and Indiana statutes governing public employers, *exempt* employees are compensated for the general values of services performed and not necessarily on the amount of time spent on the job. Such employees are expected to fulfill their job responsibilities regardless of the number of hours involved, within reason, and are paid a salary intended to compensate for any and all "overtime." Unless otherwise specifically indicated, exempt employees are considered full-time employees.

3.4.2 Compensatory Time

When FLSA compensatory time is used in place of monetary reimbursement; compensatory hours shall be awarded at the rate of one and one-half (1 ½) hours for all hours worked over forty (40) in a normal workweek.

Calculating compensatory time is based on actual hours worked in accordance with: (1) federal and state wage and hour regulations; (2) terms and conditions addressed in collective bargaining

agreements; (3) benefits defined in the Madison County Personnel Policy Handbook; and (4) other Ordinances/Resolutions or policies approved by the Madison County Commissioners.

The elected official or department manager shall approve use of compensatory time in advance. At their sole discretion, elected officials/department managers may schedule use of employee compensatory time.

3.4.3 Maximum Compensatory Time Accrual

Non-Exempt employees may accrue sixty (60) compensatory time hours before monetary compensation is paid, except when terms and conditions of collective bargaining agreements apply.

Elected officials and department managers shall monitor employee accrual of overtime-compensatory hours. To avoid accrual beyond the stated limit that would require monetary payment, managers shall schedule their employees' use of compensatory time within ninety (90) days from the date it was earned.

Elected officials and department managers shall (1) provide the Madison County Auditor with an accurate and current record of all accrued compensatory time simultaneously with the bi-weekly payroll; (2) elected officials and department managers must provide a record of certification of their current liability for compensatory time as of the date of the adoption of this policy handbook; and (3) elected officials and department managers shall provide documentation showing compensatory hours are computed in accordance with this policy.

3.4.4 Overtime Approved in Writing

The elected official or department manager must approve all overtime worked in advance. Noncompliance may result in disciplinary action, up to and including termination of employment.

Employees shall schedule earned compensatory time off with their manager. The manager of the department shall maintain documentation of compensatory time with a copy provided to the Madison County Auditor.

3.4.5 Failure to Work Scheduled Overtime or Overtime without Authorization

Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination of employment.

3.5 WORK TIME RESTRICTED

Non-exempt employees shall not commence any work activities on behalf of Madison County before seven (7) minutes preceding the start of the work shift, or continue work activities more than seven (7) minutes after completion of the work shift without prior authorization from their manager. Deviations of up to seven (7) minutes will not have an impact on overtime,

compensatory time, or a reduction in pay calculations. Consistent non-compliance with scheduled work hours will be considered in employee evaluations.

3.6 JOB DESCRIPTIONS/CLASSIFICATIONS

Madison County adopted the Factor Evaluation System (FES) of job classifications for all Madison County positions. It is regularly monitored and revised to reflect changes in job duties as any occur.

All Madison County positions, except those of elected officials, have been described in job descriptions and systematically grouped into job classes based on fundamental similarities. The job classifications are as follows:

- (COMOT) Computer/Office Machine Operator/Technician
- (POLE) Protective Officers and Law Enforcement
- (LTC) Labor, Trades, and Crafts
- (PAT) Professional/Administrative/Technological
- (SAM) Supervisors and Managers
- (SO) Special Occupations

New job descriptions or any modification to existing job descriptions shall be submitted to the Director of Human Resources for approval and processing. Position descriptions shall be maintained in the Human Resources Department.

3.7 JOB CLASSIFICATION / PAY SYSTEM MAINTENANCE

The County Council must approve any change in job classification or pay rates.

In the event an elected official or department manager wishes to create a new position not currently classified, reorganize jobs within a department, review seniority, or abolish a position, he/she shall submit a completed Job Classification Review Form to the Director of Human Resources for review and consideration.

The Madison County Commissioners and/or the Director of Human Resources shall make job classification and compensation recommendations to the Madison County Council.

3.8 COMPENSATION

Madison County's compensation plan is based on the job classification system in accordance with decisions made by Madison County or the State of Indiana as budgets are established and set.

Madison County has described and evaluated all of its positions according to Factor Evaluation System (FES) guide charts as to the relative degree of difficulty and responsibility. The positions were grouped into classifications based on similarities. Pay for any given position is subject to

the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period.

The Madison County Council conducts an annual wage and salary analysis that is reviewed during the annual budget hearings and sets the pay rates for all positions during that time. Approved pay rates generally become effective at the beginning of the next budget year, unless otherwise indicated. All appropriate compensation documentation must be provided to the County Auditor prior to an employee being compensated.

Elected officials shall be paid an annual salary on regular paydays throughout the year which covers the period beginning on January 1st and ending on December 31st, and as long as the elected official remains in that role during each payroll period, unless lawfully specified otherwise.

Elected officials and/or their designees and the Director of Human Resources may make suggestions about compensation and other pay systems to the County Council; however, the proficient final decision regarding compensation levels rests with the Madison County Council, in accordance with laws and regulations.

3.9 WAGE REDUCTION FOR VIOLATIONS OF LEAVES OF ABSENCES

Employee wages shall be docked for violations of the sick leave, vacation policy, and/or other leaves of absence policies of Madison County as follows:

- An employee's wages shall be docked and computed on an hourly basis for the unauthorized and/or unapproved time away from work.
- The penalty for employees paid on an hourly wage shall be the amount of the gross hourly wage.
- Where lawfully permitted, the penalty for employees paid at a salary rate shall be computed by the normal work hours in a month divided into the gross monthly salary to determine the hourly rate of pay.
- The wages of an elected official cannot be docked, as set by law.

Additional disciplinary actions may be taken for violations of the sick leave, vacation, leave, and/or other leaves of absences, up to and including termination of employment.

3.10 ROUNDING

Time is to be recorded to the quarter hour, using the seven (7) minute rule i.e. (leeway of seven (7) minutes before and seven (7) minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time work hour will be paid on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of last work hour will be paid on a quarter hour schedule.

3.11 MULTIPLE MADISON COUNTY POSITIONS

Non-exempt employees working in more than one Madison County position shall count the combined hours worked in more than one position in determining overtime obligations under the Fair Labor Standards Act (FLSA).

3.12 PAYDAYS AND DIRECT DEPOSIT

All employees are paid bi-weekly via direct deposit on Friday. Each payroll will include earnings for all work performed through the end of the past payroll period.

Direct Deposit is a safe and convenient check handling system that automatically deposits payroll checks into personal checking or savings accounts. Employees shall contact the County Auditor for a list of approved financial institutions and to set up direct deposit.

3.13 PAY CORRECTIONS

Madison County takes all reasonable steps to ensure that employees receive the correct amount of pay in each payroll and that employees are paid promptly on the scheduled payday. In the unlikely event there is an error in the amount of pay, the elected official or department manager should promptly bring the discrepancy to the attention of the County Auditor so that corrections can be made as quickly as possible.

3.14 PAY DEDUCTIONS / GARNISHMENTS

Unless authorized by the employee or required by law, no payroll deduction will be made from an employee's payroll.

Madison County is legally required to make certain deductions from each employee's payroll, including federal, state, and local income taxes; retirement system contributions; court-ordered child support; and any other deductions lawfully required. Madison County must also deduct social security taxes, which are matched by the employer, on each employee's earnings, up to a specified limit called the social security "wage base."

Employees are required to report personal changes to the Human Resources Department, such as a change in family status, home address, number of dependents, or other changes that could affect the amount of deductions withheld.

Eligible employees may voluntarily authorize deductions from their payroll to cover costs to participate in Madison County offered benefits program authorized by the Madison County Board of Commissioners.

Madison County prohibits improper deductions from wages. Questions concerning payroll deductions and/or methods of calculation should be directed to the County Auditor. If it is

determined that an improper deduction was made, the error will be corrected on the next payroll date.

3.15 EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

Resignation: Voluntary employment termination initiated by the employee. Although advance notice is not required, Madison County requests at least two (2) weeks notice from the employee.

Dismissal: Involuntary employment termination initiated by Madison County, most generally for disciplinary and/or noncompliant reasons.

Layoff: Involuntary employment termination initiated by Madison County, most generally with notice, for non-disciplinary reasons. A layoff period shall not exceed twenty-four (24) months; exceptions must be approved by the Madison County Commissioners. During the layoff period, such persons will be eligible for COBRA, when applicable, and will be advised of job opportunities with Madison County in accordance to terms and conditions in the personnel policy handbook and/or respective collective bargaining agreements.

Retirement: Voluntary employment termination initiated by the employee who meets state and/or Madison County retirement criteria, such as age upon retirement and length of service with Madison County. Employees will receive their final pay in accordance with applicable law.

Death: Death of employee.

An employee's termination date shall always be the last day worked and may not be extended to include accrued and/or unused paid or unpaid time off (e.g., sick days, vacation time). The elected official or department manager shall promptly notify the Human Resources Department in writing, of any and all employee terminations under their authority.

Employee benefits will be affected by employment termination. Vested benefits that are due as required by law shall be payable at termination in accordance to the terms and conditions of the specified benefit(s). Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Upon termination, employees are directed to contact the Human Resources Department regarding compensation and Madison County benefits. Survivors of deceased employees should also contact the Human Resources Department to determine the status and eligibility of Madison County benefits.

Elected officials and/or department managers are encouraged to conduct an exit interview with the departing employee. A copy of the documentation written as a result of the exit interview shall be forwarded to the Human Resources Department.

All administrative or personnel files maintained by the elected official or department manager shall be forwarded to the Human Resources Department for any and all employee terminations under the authority of the elected official or department manager.

3.16 RETURN OF PROPERTY

Employees are responsible for all Madison County property, materials/supplies, or written information issued to them or in their possession or control. On or before an employee's last working day or when requested by a supervisor, the employee must return all county-owned property/items issued to them or in their possession or control.

Supervisors shall provide written documentation to the Human Resources Department once county-owned property/items have been returned to the respective departments. Where permitted by applicable laws, Madison County may withhold from the employee's payroll or final payroll the cost of any items that are not returned when required. Madison County may also take all action deemed appropriate to recover or protect its property.

3.17 LONGEVITY PAY

The Madison County Council has implemented a longevity pay schedule for all full-time employees specified in the annual salary ordinance. The Madison County Council shall determine the amount of longevity increments annually.

3.18 EMERGENCY CLOSING

In the event a Madison County work facility is officially closed due to an emergency declared by the Madison County Commissioners or designee, **full-time** employees who are affected by the facility closing and are scheduled to work will suffer no loss in salary or wages.

Full-time employees who report to work on a day when a Madison County work facility is open and later closed due to an emergency, and remain at work until the official closing, will be paid for their regular work hours. Full-time employees who do not report to work on a day in which the facility is later closed, will be charged unused benefit time (sick, vacation, or personal leave), compensatory time, or time without pay.

SECTION 4: EMPLOYEE BENEFITS

The policies contained in this section and throughout the Madison County Personnel Policies Handbook apply to all Madison County employee, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

Madison County provides a wide range of benefits to eligible employees. Some benefit programs, such as social security, worker's compensation, unpaid medical leave, and unemployment insurance are lawfully required and administered according to the applicable statutes. In a continuing effort, Madison County will attempt to offer a benefit package that is attractive to its employees; however, benefits provided that are not lawfully required must be consistent with available resources.

The Madison County Board of Commissioners reserves the right, by ordinance or resolution, to designate specified persons under contract with Madison County, or formerly under contract with Madison County, as eligible for Madison County-sponsored benefits programs.

The cost of Madison County offered benefits programs for grant or special fund employees shall be included in the terms of the grant or special fund.

Eligibility for Madison County offered benefits programs depends on a variety of factors, many of which are described elsewhere in this handbook.

4.1 VACATION BENEFITS (rev. 12/2015)

Regular full-time employees are granted vacation time off with compensation based upon completed and uninterrupted full-time service as follows:

<u>YEARS OF ELIGIBLE SERVICE</u>	<u>VACATION HOURS EACH YEAR</u>
After 1 year	80 Hours
After 5 years	120 Hours
After 15 years	160 Hours

The length of eligible service is calculated on the basis of an uninterrupted employment service "benefit year." This is the 12-month uninterrupted employment service period that begins when the employee starts to earn vacation time (i.e., date of hire).

An employee's benefit year may be extended for any significant leave of absence, except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Full time employees shall accrue vacation time on their anniversary date of employment, and shall be paid vacation time at the base rate at the time of which it is used and will not include any special forms of compensation such as shift differentials.

In order to use vacation time, employees shall request advance approval (as soon as possible) from their department manager. Various factors, including business needs and staffing requirements, will be considered when determining to grant or deny requested vacation time.

No vacation shall accrue while an employee is on unpaid leave of absence, except for instances where it is required by law, such as Family and Medical Leave and certain military leaves as specified in this policy. Vacations may not be taken in advance of having earned them, except in the case of newly hired employees, who upon written elected official or department head approval may be allowed to use up to 40 hours of vacation time earned at the one (1) year anniversary, during their second six months of employment.

Employees must use available paid vacation within twelve (12) months of the date in which it was earned. Unused vacation time may only be carried forward for up to an additional 90 days if approved, in writing, by the elected official or department head.

Vacation paid time off will be counted as hours worked for the purposes of calculation of overtime.

Paid vacation benefits may not be transferred from one employee to another.

Earned vacation that has not been used is paid upon termination of employment.

4.2 HOLIDAYS AND PERSONAL DAYS (rev. 12/2015)

Holidays: The schedule of holidays will be determined prior to the start of each new year by the Madison County Board of Commissioners.

All full-time employees occupying regular positions who are: on active payroll, work all of the last scheduled work day before, and work all of the first scheduled workday after the holiday (unless paid time off is approved in advance by the employees elect official or department head) are eligible for holiday pay on the legal holidays observed by the Madison County Board of Commissioners.

Holiday pay calculation is based on the employee's base rate of pay (as of the date of the holiday) times the number of hours the employee otherwise would have worked on that day. "Straight time", or the 'base rate of pay,' is the employee's weekly rate of pay divided by the number of hours the employee is regularly scheduled to work each week. Holiday pay does not include any special forms of compensation such as shift premiums.

If an eligible employee works on a recognized holiday, he/she will receive holiday pay, plus compensation for the hours actually worked on the holiday at the rate of one and one-half (1 ½) times his/her straight time hourly rate. Paid time off for holidays will be counted as hours worked for the purposes of calculation of overtime.

Holidays that occur during vacation shall not be charged against accrued vacation time.

Personal Days: Madison County recognizes there are times when you have personal matters to tend to during regular working hours. Therefore, all regular full-time employees are granted 16 hours of personal time on January 1st of each year that can be taken in increments as determined by the department manager, when scheduled in advance. Full time employees who begin working for Madison County between January 1 and March 31, will be granted 16 hours personal time upon completion of their 90 day probationary period. Full time employees who begin work on or after April 1 will be granted 8 hours personal time upon completion of their 90 probationary period.

An employee must request use of personal leave from his/her department manager. A request to use personal leave may not be unreasonably denied; however, requests will be evaluated based on a number of factors, including anticipated operational requirements and staffing arrangements during the proposed period of absence.

Personal leave may not be taken in advance of the date granted, and must be used by the end of the calendar year in which it was allotted or it is forfeited. Except for instances where it is required by law, personal time shall not be allotted to any employee who is on an unpaid leave of absence upon the date of eligibility (January 1 or the 91st day of employment).

Personal leave benefits will be calculated and paid based on the employee's normal base rate of pay and will not include any special forms of compensation such as shift premiums. Unused personal leave is not paid upon termination of employment.

Paid personal days may not be transferred from one employee to another.

Paid personal time off will be not be counted as hours worked for the purposes of calculation of overtime.

Paid personal time that has not been used is not paid upon termination of employment.

4.3 FAMILY AND MEDICAL LEAVE ACT (FMLA)

Madison County shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993, including all subsequent revisions. This policy (also stated as “regular” FMLA policy) serves as a general description of employee’s FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. Madison County shall adhere to the “General Notice Requirements” prescribed by the Department of Labor through the following actions:

- Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and
- Providing this general notice to each Madison County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by Madison County.

4.3.1 Entitlement

Eligible employees are entitled to twelve (12) weeks of unpaid FMLA leave for the following situations:

- The birth of a son or daughter, and to care for the newborn child;
- The placement with the employee of a son or daughter for adoption or foster care;
- To care for the employee’s spouse, son, daughter, or parent with a serious health condition; and
- The employee’s own serious health condition that makes the employee unable to perform the functions of one’s position.

4.3.1(A) Serious Health Condition Defined

For purposes of FMLA, a “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

4.3.1(B) Chronic, Permanent, or Long-term Health Condition Defined

For purposes of FMLA, a “chronic serious health condition” requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider. Such condition continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic rather than a continuing period of incapacity.

A period of incapacity that is permanent or long-term due to a condition, for which treatment may not be effective, represents a “permanent or long-term health condition.” The employee or family member, with such condition, must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

This policy is intended to cover chronic, permanent, and long-term health conditions as defined by the FMLA.

4.3.2 Eligibility

An “eligible employee” is an employee of a covered employer who:

- Has been employed by the employer for at least 12 months;
- Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave; and
- Is employed at a worksite where the employer within 75 miles of that worksite employs 50 or more employees.

Separate periods of employment with Madison County shall be counted towards the twelve (12) month requirement provided that the break in service does not exceed seven (7) years, unless the separate periods of employment are due to National Guard or Reserve military service obligations or where a written agreement exists concerning the employer’s intention to rehire the employee after a break in service.

4.3.2(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness.

An employee shall advise Madison County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable.

The employee and Madison County shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting Madison County's operations, subject to the approval of the health care provider.

4.3.3 Employee Notice Requirements

4.3.3(A) Foreseeable FMLA Leave

An employee must provide Madison County at least thirty (30) days advance written notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member.

If thirty (30) days notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable – typically either the same day or the next business day of needing such leave.

Those employees who do not provide at least thirty (30) days notice for foreseeable leave, shall be required to explain the reason(s) why such notice was not practicable under Madison County's FMLA policy.

When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations, subject to the approval of the health care provider.

4.3.3(a) Employee Failure to Provide Notice

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice.

The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances,

the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.

4.3.3(B) Unforeseeable FMLA Leave

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to Madison County as soon as practicable under the facts and circumstances of the particular case.

It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

Notice may be given by the employee's "spokesperson" (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

4.3.3(b) Employee Failure to Provide Notice

When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with Madison County's FMLA policy, the extent to which Madison County may delay FMLA coverage for leave depends on the facts of the particular case.

4.3.3(C) Requesting FMLA Leave

All requests for FMLA leave must be submitted, in writing, directly to the elected official/department manager. The elected official/ department manager shall make a determination of approval or denial of FMLA. Such requests shall be supported by medical certification on FMLA forms provided by Madison County.

When an employee seeks leave due to a FMLA-qualifying reason for which Madison County has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employees should contact the Human Resources Department to secure such forms and procedures used for requesting leave under Madison County's Family and Medical Leave policy.

4.3.4 Employer Notice Requirements

4.3.4(A) Eligibility and Rights & Responsibilities

When an employee requests FMLA leave, or when Madison County acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, Madison County must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances.

Employee eligibility is determined, and notice shall be provided, at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12) month period.

Madison County shall use the Department of Labor form WH-381 (Notice of Eligibility and Rights & Responsibilities) to satisfy requirements under this section.

4.3.4(B) Designation Notice

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee. When Madison County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), Madison County shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances.

Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

If Madison County determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), Madison County shall notify the employee of that determination.

If Madison County has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, Madison County may provide the employee with the designation notice at that time.

If the information provided by Madison County to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), Madison County shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

Madison County shall use the Department of Labor form WH-382 (Designation Notice) to satisfy requirements under this section.

4.3.5 Certification

Madison County shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. Initial certification requests by Madison County shall be at the employee's expense.

Madison County shall give notice of a requirement for certification each time a certification is required. Employees shall be notified through form WH-381 (Notice of Eligibility and Rights & Responsibilities).

Madison County shall provide an employee with the appropriate certification form at the same time Madison County provides an employee with form WH-381 (Notice of Eligibility and Rights & Responsibilities). Madison County shall use Department of Labor forms: WH-380-E (Employee's Serious Health Condition) or WH-380-F (Family Member's Serious Health Condition).

At the time Madison County requests certification, Madison County shall also advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

The employee must provide the requested and complete certification to Madison County within fifteen (15) calendar days after Madison County's request.

4.3.5(A) Complete and Sufficient Certification

The employee must provide a complete and sufficient certification to Madison County. Madison County shall advise an employee whenever Madison County finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

If the deficiencies specified by Madison County are not fixed in the resubmitted certification, Madison County may deny the taking of FMLA leave, in accordance with Federal law.

4.3.5(B) Clarification and Authentication

If an employee submits a complete and sufficient certification signed by the health care provider, Madison County may not request additional information from the health care provider. However, Madison County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after Madison County has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the Director of Human Resources or designated official by the Madison County Commissioners will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

Madison County shall not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually a HIPAA-covered health care provider shares identifiable health information of an employee with Madison County.

4.3.5(C) Second and Third Medical Opinion

Madison County reserves the right to require a second medical opinion from an independent medical provider. Madison County shall pay for the second opinion, including reasonable “out-of-pocket” travel expenses, and shall designate a provider who is not an employee of Madison County. If the two opinions conflict, Madison County shall pay for a third opinion, including reasonable “out-of-pocket” travel expenses.

The opinion of the third provider is final and binding on both Madison County and the employee.

Madison County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. Madison County shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

4.3.5(D) Recertification

Madison County may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work.

Madison County may seek re-certifications for leave taken due to an employee's own serious health condition or the serious health condition of a family member, no more than every thirty (30) days unless the employee requests an extension of leave, circumstances described by the previous certification have changed significantly, or Madison County receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, Madison County shall require the employee to provide a new medical certification in each subsequent leave year.

The employee must provide the requested re-certification to Madison County within fifteen (15) calendar days after the employer's request.

Any re-certification requested by Madison County shall be at the employee's expense.

4.3.5(E) Fitness-for-Duty Certification

Madison County may require a fitness-for-duty certification before an employee returns to work from FMLA leave other than intermittent leave. Madison County shall notify an employee in form WH-382 (Designation Notice) whether a fitness-for-duty certification shall be required.

The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

Madison County may delay restoration to employment until an employee submits a required fitness-for-duty certification.

4.3.6 Calculation of FMLA Leave

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 2012); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2013).

In situations where both a husband and wife work for Madison County and FMLA leave is requested and approved to care for a newborn child or a child newly placed for adoption or foster care, the employees **combined total** leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.

All accrued sick leave and non-FLSA compensatory time shall be used during leave taken under the Madison County's FMLA policy. An employee may opt to use vacation or personal leave if he/she does not have enough accrued sick leave.

Accruals for benefit calculations, such as vacation, personal leave, or holiday benefits, shall not be affected by taking FMLA leave.

4.3.6(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave shall be calculated using one (1) hour increments. An employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken, except as provided under the Family and Medical Leave Act.

4.3.6(B) Health Benefits

Any health plan, including self-insured plans, provided by Madison County will be continued for the employee on FMLA leave on the same terms that would have been provided if the employee had continued his or her work during the period that he or she was on approved FMLA leave. Madison County employees are responsible for paying their share of the premium costs while on FMLA leave. If an employee chooses not to return to work for reasons other than a continuing serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, Madison County shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premiums during the leave period.

4.3.7 Employee Reinstatement

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits,

pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, Madison County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate situations of intermittent leave.

If the employee fails to return to work, he or she shall repay Madison County's portion of insurance premium costs and any of the employee's portions that were not paid by the employee during the FMLA leave.

Madison County shall consider an employee's failure to report to work at the end of the leave period as an employee resignation.

While an employee is on FMLA leave for his or her own serious illness or injury, he/she shall not be engaged in outside employment.

4.3.8 Military Family Leave Entitlements

The National Defense Authorization Act for FY 2008 and 2010 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the covered active duty or call to covered active duty status of a spouse, son, daughter, or parent.

The NDAA (National Defense Authorization Act) also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness. These types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements Madison County's "regular" FMLA policy and provides notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Military Family leave are governed by Madison County's "regular" FMLA policy.

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family Leave under Indiana Code 22-2-13.

4.3.8(A) Employee Notice Requirements

Employees seeking to use Military Caregiver leave must provide thirty (30) days advance written notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.

An employee must provide written notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

When the need for Military Family Leave is not foreseeable, the employee must provide notice to Madison County as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by Madison County's usual and customary notice requirements. Please refer to section "Requesting FMLA Leave."

4.3.8(B) Entitlement

Eligible employees are entitled to twelve (12) weeks of unpaid Military Family leave for the following situation:

- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Eligible employees are entitled to twenty-six (26) weeks of unpaid Military Family leave for the following situation:

- To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

4.3.8(C) Covered Active Duty Defined

The term "covered active duty" means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty pursuant to applicable law.

4.3.8(D) Covered Servicemember Defined

The term "covered servicemember" means- a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy.

4.3.8(E) Qualifying Exigency Leave

Eligible employees may take up to a total of twelve (12) weeks of unpaid Military Family leave during the normal twelve (12)-month period established by Madison County for FMLA Leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or

parent (the “covered military member”) is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces.

A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to covered active duty. State calls to covered active duty are not covered unless under order of the President of the United States pursuant to applicable law.

Such leave may commence as soon as the military member receives the notice. This type of leave will be counted toward the employee’s twelve (12)-week maximum of FMLA Leave in a twelve (12)-month period.

Qualifying exigencies include the following:

- **Short-notice deployment:** Issues arising from a covered military member’s short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member;
- **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if it’s necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;
- **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member’s absence;
- **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
- **Rest and recuperation:** Taking up to five days of leave to spend time with a covered military member who is on short-term temporary rest and recuperation leave during deployment;
- **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days

following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and

- **Additional activities:** Any other event that the employee and Madison County agree is a qualifying exigency.

4.3.8(a) Certification

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status of a covered military member, Madison County shall require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided to Madison County once. A copy of new covered active duty orders or other documentation issued by the military shall be provided to Madison County if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status of the same or a different covered military member.

Madison County shall use the Department of Labor form WH-384 (Qualifying Exigency) to satisfy requirements under this section.

The employee must provide the requested and complete certification to Madison County within fifteen (15) calendar days after Madison County's request.

4.3.8(b) Verification

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, Madison County shall not request additional information from the employee.

However, if the qualifying exigency involves meeting with a third party, Madison County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by Madison County. Madison County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on covered active duty or call to covered active duty status; no additional information may be requested and the employee's permission is not required.

4.3.8(F) Military Caregiver Leave

Eligible employees who are a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take up to a total of twenty-six (26) weeks of

unpaid Military Family Leave during a “single twelve (12)-month period” to care for the servicemember.

Eligible employees may not take leave under this provision to care for military members on the permanent disability retired list.

This is the only type of FMLA leave that may extend an employee’s leave entitlement beyond twelve (12) weeks to a combined total of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the “single twelve (12)-month period.” However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.

The “single twelve (12)-month period” for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12)-months later, regardless of the twelve (12)-month period established by the employer for other types of FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by Madison County shall be limited to a combined total of twenty-six (26) weeks of leave during the “single twelve (12)-month period” if the leave is taken for birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee’s parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness.

4.3.8(a) Next of Kin Defined

The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave under the FMLA.

4.3.8(b) Designating Leave

In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the “single twelve (12)-month period,” Madison County shall designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the “single twelve (12)-month period” will not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition.

This section also applies to leave taken for other FMLA-qualifying reasons.

4.3.8(c) Certification

When leave is taken to care for a covered servicemember with a serious injury or illness, Madison County shall require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. Certification requests by Madison County shall be at the employee's expense.

Madison County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in Madison County's FMLA "regular" policy. However, second and third opinions and recertifications, as outlined above in Madison County's FMLA "regular" policy, are not permitted for leave to care for a covered servicemember.

Madison County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

Madison County shall use the Department of Labor form WH-385 (Serious Injury or Illness of Covered Servicemember) to satisfy requirements under this section.

The employee must provide the requested and complete certification to Madison County within fifteen (15) calendar days after Madison County's request.

4.3.8(d) ITOs and ITAs Certification

Madison County, in place of the Department of Labor form WH-385, shall accept "invitational travel orders" (ITOs) or "invitational travel authorizations" (ITAs) issued to any family member to join an injured or ill servicemember at his or her bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary.

An ITO or ITA is sufficient certification for an employee entitled to take FMLA Leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, Madison County shall request that the employee have an authorized health care provider complete the Department of Labor form WH-385 (Serious Injury or Illness of Covered Servicemember), as requisite certification for the remainder of the employee's necessary leave period.

Madison County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in Madison County's "regular" FMLA policy. However, second and third

opinions and recertification, as outlined above in Madison County's FMLA "regular" policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

Madison County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

In all instances in which certification is requested, it is the employee's responsibility to provide Madison County with complete and sufficient certification, and failure to do so may result in the denial of FMLA Leave.

4.4 SICK LEAVE BENEFITS (rev. 12/2015)

Madison County provides paid sick leave benefits to eligible full-time employees for periods of temporary absences due to illnesses or injuries. Regular full-time employees are eligible for this benefit.

Eligible employee will earn sick leave at a rate of one, eight hour, day for every full month of services credited at the end of each month. Sick leave benefits are calculated on the basis of a benefit year." The 12 month period that begins when the employee starts to earn sick leave benefits. Probationary employees do not accrue sick leave, but an employee who successfully completes the probationary period will be credited with time worked during his/her probationary period.

Paid sick leave may be used in fifteen minute increments. Use of an increment of less than four hours paid sick time at the beginning of a work shift requires advanced approval from the department manager or elected official, and may still be considered a tardiness issue. Eligible employees shall use sick leave benefits for absences due to their own illness or injury or illness or injury of a family member. Paid sick leave benefits may not be transferred from one employee to another.

Employees who are unable to report to work due to illness or injury shall notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence.

If an employee is absent for three (3) or more consecutive days due to illness or injury, a physician's statement shall be provided verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition of paying sick leave benefits. Before returning to work from a sick leave absence of thirty-days or more, an employee shall be required to provide a physician's verification that he/she may safely return to work.

Sick leave benefits will be calculated based on the employee's base pay rate (an employee's hourly rate of compensation determined by dividing the weekly rate of pay by forty-hours) at the beginning of the absence and will not include any special forms of compensation such as shift differentials.

Earned, unused sick leave benefits will be carried forward to the next benefit year. Employees may accumulate unused sick leave benefits to a maximum of one hundred twenty (120), eight hour, days. Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Employees will not be paid for unused sick leave benefits while they are employed.

The Madison County Auditor shall be provided a monthly report of employee sick days used each month. Proper documentation must be available upon employee retirement for an employee to be compensated unused sick days.

Paid sick leave shall not count as time worked for the purposes of calculating earned overtime pay or compensatory time-off with the following exception: Paid sick leave will be counted as hours worked for Highway Department Truck Drivers during work weeks in which they are required to work at least three consecutive 12 hour shifts for the purposes of snow and ice removal.

4.5 SICK DAY REIMBURSEMENT (rev. 12/2015)

Full time employees are eligible for reimbursement of accrued, unused sick days following the departure of employment in accordance with the schedule set out herein:

<u>NUMBER OF YEARS</u>	<u>REIMBURSEMENT</u>
0-4	NONE
5	25%
6	30%
7	35%
8	40%
9	45%
10	50%
11	55%
12	60%
13	65%
14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20 +	100%

Example: If an employee resigns after the completion of ten (10) years of service and has 640 accumulated sick hours, he/she will receive reimbursement for 320 hours at his/her current rate of pay.

No partial accruals are allowed. Employees must complete the entire year of service to be eligible for that level of reimbursement. Reimbursement is calculated based on the employee's base rate of pay, and does not include any special forms of compensation such as shift premiums. Employees may be eligible for reimbursement of a maximum of one hundred twenty (120), eight hour days, of sick pay benefits.

Employees who are involuntarily discharged for just cause forfeit reimbursement for accumulated sick days.

Paid sick leave benefits may not be transferred from one employee to another.

(This section intentionally left blank)

4.6 MILITARY LEAVE

Madison County is committed to protecting the job-related rights of employees absent on military leave. In accordance with federal and state law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, Madison County will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

4.6.1 Annual Training

A military leave of absence will be granted to all full-time Madison County employees to attend scheduled drills or training, or to respond to call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for Reserve or National Guard for a period of up to fifteen (15) days per year; and are entitled to

civilian (Madison County) and military pay up to fifteen (15) days per year. Such military leave will not be charged against an employee's vacation time, and seniority will continue to accrue in the same manner as for employees not on military leave.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the annual training period.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must notify the employer of the intent to return to employment in accordance with all applicable state and federal laws.

4.6.2 Active Duty / Enlistment

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 grant special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be unpaid.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably. The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

If an employee's health plan coverage would terminate because of an absence due to uniformed service, the person may elect to continue the health plan coverage for up to 18 months after the absence begins, or the period of service, whichever is shorter.

Upon returning from military leave of absence an employee will be reinstated to a Madison County position provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty, or one year after release from hospitalization due to military accident. The employee must also be qualified to perform the normal duties of the position for which he/she is being considered.

Employees on such leave must notify Madison County of the intent to return to employment in accordance with all applicable state and federal laws.

4.6.3 Indiana Military Family Leave

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Indiana Military Family Leave under qualifying circumstances. In order for an employee to be eligible for Indiana Military Family Leave, the employee must have worked for Madison County for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Indiana Military Family Leave may not exceed a total of ten (10) working days annually. Employees must notify their elected official/department manager thirty (30) days in advance of the days they intend to take Indiana Military Family Leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance.

Madison County may require verification of the military orders in order to approve Indiana Military Family Leave.

Indiana Military Family Leave is unpaid and employees are responsible for paying their own benefits while on such leave. An employee may choose to substitute any earned paid vacation leave, personal leave, or compensatory time available to the employee for any part of the ten (10) day period of Indiana Military Family Leave.

Indiana Military Family Leave runs concurrent with other leave entitlements provided under federal, state and local law, such as Military Family Leave under the FMLA.

4.7 FUNERAL/BEREAVEMENT LEAVE

When a death occurs in an employee's immediate family, eligible full-time employees may take up to five (5) consecutive days off from regularly scheduled duty with regular pay, and the days must be in conjunction with the date of the death or the date of the funeral. Madison County defines immediate family as an employee's legal spouse, son, stepson, daughter, stepdaughter, father, stepfather, mother, or stepmother.

Regular full-time employees are allowed up to three (3) consecutive days off from regularly scheduled duty with regular pay in the event of the death of an employee's legal sibling (including stepsibling), grandparent, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law. The days off must be in conjunction with the date of the death or the date of the funeral.

Regular full-time employees are allowed up to one (1) day off from regularly scheduled duty with regular pay in the event of the death of an employee's legal aunt, uncle, niece, nephew, great-grandchild, great-grandparent, step-grandparent, or spouse's grandparent/step-grandparent. The day off must be in conjunction with the date of the death or the date of the funeral.

An employee who wishes to take time off due to the death of a family member should notify his/her supervisor immediately. Funeral/bereavement leave is calculated based on the base rate of pay at the time of the absence and will not include any special forms of compensation, such as incentives, bonuses, commissions, overtime, or shift differentials.

4.8 WORKER'S COMPENSATION

Madison County provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period. While on worker's compensation disability, employee benefits shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received prior to the work-related injury or illness. This benefit includes elected officials.

Any employee who sustains a work-related injury or illness should inform his/her elected official/department manager immediately, and contact the Human Resources Department within 24 hours. No matter how minor an on-the-job injury or illness may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If the employee has a life threatening condition, he/she should proceed directly to the nearest hospital or medical facility.

Employees should contact their department manager to obtain the necessary forms for completion regarding filing worker's compensation claims. Once completed, the department manager shall file the forms directly to the Human Resources Department. The Human Resources staff will then submit the documents and claim to the worker's compensation insurance carrier or Third Party Administrator.

As specified by Indiana worker's compensation statutes, when a compensable injury renders an employee unable to work, compensation for lost wages is paid starting on the eighth (8th) day. However, on the twenty-second (22nd) day of disability the employee will receive compensation for the first seven (7) days. The first weekly installment of compensation is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment is due, the employer/carrier must tender to the employee an Agreement of Compensation, along with compensation due.

If however, the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged injury. The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

Certain injuries are excluded from worker's compensation coverage (e.g. employee intoxication, self-inflicted injuries, failure to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, failure to perform a statutory duty).

Neither Madison County or the insurance carrier will be liable for the payment of worker's compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored or not-sponsored by Madison County.

While an employee is on worker's compensation leave, he/she shall not be engaged in outside employment.

Holiday pay will not be paid in addition to major illness/injury in-line-of-duty leave pay.

During worker's compensation leave employees may be required to submit periodic medical certifications on their serious health condition. Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work.

Worker's compensation leave is designated as Family and Medical Leave Act (FMLA) leave beginning with the first day of leave. All such leave time used counts against the employee's twelve (12) week FMLA entitlement.

4.9 BENEFITS CONTINUATION (COBRA)

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation; termination of employment; death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; or a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus an administration fee. The Human Resources Department will be able to provide more information the COBRA options and eligibility for affected employees and dependents.

Madison County or agents acting in behalf of Madison County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

4.10 PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)

All full-time salaried Madison County employees are covered by PERF, a retirement program established and maintained by the State of Indiana. PERF pays benefits to cover workers or their dependents upon retirement, death and, in certain cases, serious illness or injury. Madison County contributes a percentage of employees' gross wages for deposit in an annuity savings account. The employee's (not Madison County's) contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits.

Information explaining the retirement plan is provided to each employee when they are enrolled for PERF. Employees must contact the Human Resources Department with personal changes so that PERF can be notified of such changes.

PERF's Employer Financed Pension requires ten (10) years of service to become vested.

Questions concerning retirement programs should be directed to the Human Resources Department.

4.11 DEFERRED COMPENSATION

Madison County offers a voluntary deferred compensation program to eligible full-time employees, elected officials and appointees, and designated professionals. This program is a way to set aside a portion of the employee's income through voluntary payroll deductions to defer the tax liabilities of such income until retirement rather than when it is earned. Specific details concerning this program are available in the Human Resources Department.

4.12 GROUP HEALTH AND LIFE INSURANCE

Madison County presently offers group healthcare and life insurance programs to regular full-time employees and designated professionals determined by the Madison County Board of Commissioners.

A portion of the monthly premiums is paid for by Madison County as determined by the Madison County Board of Commissioners. Eligible employees shall receive and/or have access to a schedule of benefits for the county-offered healthcare benefits programs.

The waiting period to become effective for group health, life, and other optional benefits programs is the first of the month following ninety (90) days of employment. For your coverage to begin, your completed enrollment forms with any required attachments must be submitted to the Human Resources Department prior to your effective date. You must enroll any new dependent within thirty (30) calendar days of their eligibility. If you miss this 30-day window, you may only enroll them during a future open enrollment.

"Open Enrollment" is that period of time designated by the Madison County Board of Commissioners during which dependents may be added to or deleted from an employee's health benefits and changes may be made in the plans selected.

Group benefits, as an employee will end on the last day of the month during which employment ends.

Specific details regarding eligibility and coverage are available in the Human Resources Department.

4.13 JURY DUTY AND COURT APPEARANCES

Madison County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Regular full-time employees shall be entitled to time off without loss of pay if you are summoned to jury duty. You will be paid your regular base pay rate/wages, less any amount received from the court, excluding expenses. Exempt or other employees receiving their regular compensation while on jury duty are ineligible to receive juror fees. Employees are to advise jury services staff of their status as a Madison County employee and that they are receiving their regular compensation.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. Of course, the employee is expected to report for work whenever the court schedule permits. If an employee is released from jury duty with more than half of his/her regularly scheduled shift remaining, the employee is expected to report to work.

Either Madison County or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties; however, Madison County cannot guarantee that an excuse would be granted.

Madison County will continue to provide health insurance benefits for the full term of the jury duty absence. Accrual for benefits calculation, such as vacation, sick leave, or holiday benefits, will not be affected during jury duty leave.

4.14 EMPLOYEE PARKING

The Madison County Board of Commissioners assigns parking spaces to full-time employees and/or designated professionals in county-owned parking lots and the basement garage located in the Madison County Government Center. Because of limited space, employees wishing to have a parking space shall notify the Human Resources Department to be placed on a waiting list.

Employees and designated professionals with assigned parking spaces must register their vehicle with the Human Resources Department in order to receive a parking permit or sticker. The employee or designated professional shall display the Madison County parking permit in the lower-left corner of the windshield.

Doubling of use or loaning out parking spaces is strictly prohibited. Any employee or designated professional found to be in violation of this policy shall forfeit their assigned parking space.

Madison County Commissioners establish and maintain parking rules and regulations, which are overseen and administered by the Human Resources Department.

4.15 SOCIAL SECURITY AND INDIANA UNEMPLOYMENT INSURANCE

Madison County matches employee withholdings for FICA and pays the full cost of Indiana Unemployment Insurance for all qualified employees. Unemployment benefits are administered in accordance to Indiana and/or other applicable laws and regulations.

4.16 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) has four major administrative requirements for private and government sponsored health plans: portability, nondiscrimination, fraud and abuse, and administration simplification.

Madison County is compliant with applicable HIPAA requirements and standards and has established guidelines regarding the privacy of individually identifiable health information accordingly. Madison County has designated the Director of Human Resources as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures. The HR Director is also the contact person who is responsible for receiving and reviewing complaints regarding compliance.

All Madison County HIPAA inquiries shall be directed to the Director of Human Resources located in the Madison County Government Center.

4.17 AMERICANS WITH DISABILITIES ACT (ADA)

It is the policy of Madison County that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs or activities of Madison County. It is the policy of Madison County not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training; and other terms, conditions and privileges of employment. It is the intent of this organization to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

Madison County will reasonably accommodate persons with a disability. Such reasonable accommodation may include: making facilities readily accessible to individuals with a disability; restructuring jobs; modifying work schedules; modifying equipment; or other similar accommodations. Accommodation may not create an undue hardship for Madison County or other employees. If the person is not able to perform the essential functions of a job, even with reasonable accommodation, then the person is not qualified for the position.

An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected or retained in the position. A Conditional Offer of Employment form is available for use in the Human Resources Department.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by

reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

Disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Benefits provided to disabled individuals who are qualified to perform the work are not different from the benefits provided to other employees.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the Madison County ADA Coordinator designated as Risk Manager/Human Resources Director on how Madison County might better meet the needs of individuals with disabilities pursuant to this policy.

Employee requests for an accommodation under Madison County's ADA shall be submitted in writing on Reasonable Accommodation Request forms available in the Human Resources Department. Madison County requires medical certification to support a request of reasonable accommodation on the organization's Medical Review Form available in the Human Resources Department. It shall be the responsibility of the employee to submit such forms in a timely manner.

Madison County reserves the right to require a second medical opinion from an independent medical provider. Madison County shall pay for the second opinion. If the two opinions conflict, Madison County may seek and pay for a third medical opinion that will be final and binding on both Madison County and the employee.

Based on the medical information provided, Madison County will evaluate what, if any, reasonable accommodation may be extended to the employee. A determination for granting or denying a reasonable accommodation will be delayed until the employee provides medical certifications.

Any employee who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of the "Americans with Disabilities Act" (ADA) can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the Madison County ADA Coordinator, Risk Manager/Human Resources Director, Madison County Government Center, 16 East 9th Street, Anderson, Indiana 46016.

SECTION 5: WORKING CONDITIONS

The policies contained in this section and throughout the Madison County Personnel Policies Handbook apply to all Madison County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

5.1 SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of Madison County from all levels of the organization. Madison County will take all reasonable steps to assure a safe work environment and compliance with federal, state, and local safety regulations. All employees should report for work in an alert, fit condition and able to effectively perform assigned position duties. When applicable, employees must wear safety clothing and apparel (e.g., safety goggles, proper headgear, safety vests, boots, gloves, and facial masks) that are relevant to their job duties.

Employees are expected to obey safety rules and to exercise caution in all their work activities. Workers shall immediately report any unsafe working conditions to their supervisor. Employees need not fear retaliation for reporting safety hazards. All officials, managers/supervisors, appointees, employees, and volunteers of Madison County Government are expected to promptly report and correct unsafe work conditions. Employees who engage in unsafe work habits or violate safety rules and standards may be subject to disciplinary action, up to and including termination of employment.

All accidents that result in injury must be reported immediately to the department manager and to the Human Resources Department within twenty-four (24) hours or less regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and to initiate insurance and worker's compensation procedures.

In the case of an injury requiring immediate medical attention, the employee should proceed directly to the nearest hospital or medical facility.

5.2 BLOODBORNE PATHOGENS

Madison County employees working in high-risk jobs will be offered bloodborne pathogen training and a series of hepatitis B vaccinations for their protection. Madison County will provide this service at no cost for those wishing or required to participate in this program.

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties (i.e. Sheriff's Deputies, Jailers, Dispatchers, Custodians, Clerks, Highway and Health Department employees). To ensure that Madison County employees are aware of occupational exposure to bloodborne pathogens, Madison County has developed an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid that may contain bloodborne pathogens, such as Hepatitis B and C viruses and HIV/AIDS. This control plan is

available for use by Madison County employees and is located in the Human Resources Department.

5.3 LACTATION SUPPORT

In accordance with the provision of the Patient Protection and Affordable Care Act which amended Section 7 of the Fair Labor Standards Act, nursing mothers shall have reasonable paid breaks to express breast milk for her nursing child for up to one (1) year after the child's birth each time such employee has need to express the milk.

Madison County shall provide a private location, other than a bathroom, in close proximity to the work area, where employees can express their breast milk in privacy, which is shielded from view and free from intrusion from coworkers and the public. Reasonable efforts will be made to provide a refrigerator or other cold storage space for storing breast milk; or to allow employees to store their breast milk in their own portable storage device until the end of their workday.

Madison County is not liable for any harm caused by or arising from the expressing of employees' breast milk or the storage of expressed milk.

5.4 BUILDING SECURITY / IDENTIFICATION BADGES

In the interest of building security, identification badges shall be issued by the Human Resources Department to all employees and designated professionals. All employees shall be required to wear their identification badges in plain sight while working.

Employees should take note of any person not wearing a badge who is unknown to them, especially if the person is in an area that is supposed to be accessed by Madison County employees only.

The Human Resources Department shall keep records of all persons who have Madison County identification and PROX badges. The files will contain the person's name, date of employment, badge number, date of badge expiration, areas of access, date of employment termination, name of department, and whether the badge was returned.

Upon termination of employment, the employee shall surrender his/her badge(s) to the Human Resources Department. Failure of an employee to surrender his/her badge at termination could result in withholdings from his/her final payroll to recover the expenses of the property.

5.5 USE OF TELEPHONES, FAX MACHINES, AND MADISON COUNTY MAIL

Personal telephone calls should be limited in frequency and duration. Personal use of telephones and FAX machines for long-distance and/or toll free calls are not permitted, except for emergencies. Employees shall seek the approval of their department manager before making non-urgent long-distance personal calls. Employees shall be required to reimburse Madison County for long-distance and/or toll free charges for personal use.

To ensure effective telephone communications, employees should always use an approved greeting and speak in a courteous and professional manner.

The mail system is reserved for business purposes only. Employees shall refrain from sending or receiving personal mail or other delivery packages at the workplace.

5.6 USE OF CELLULAR / MOBILE PHONES AND PAGERS

Cellular telephones are provided for official Madison County business only and are made available to employees in positions where the associated benefits justify the additional operating costs. These employees generally include those who travel, have job responsibilities that include being outside of the office, or who are continuously on-call for extended periods.

The employee who is issued a cellular phone will acknowledge the receipt and acceptance of the conditions for the individual assignment of a Madison County owned cellular phone. All completed forms must be forwarded to the Human Resources Department and will remain in the employee's personnel file for the duration of the individual's employment. When the employee leaves his/her position or is no longer an authorized user, the Madison County cellular equipment must be returned to the elected official or department manager. If the phone is not returned, Madison County will charge the former employee for the cost of a new replacement phone and/or equipment.

The call detail (e.g., time, number called, date, duration) of all calls appearing on the Madison County cellular telephone bill is **public information**. With this in mind, personal use of Madison County owned cellular telephones is prohibited, with the exception of essential personal calls made with minimal duration and frequency, which cannot be made at another time. Examples of these essential personal calls may include calls to arrange for the care of a child, alert a family member of an unexpected delay due to a change in your work schedule, weather related delay, to arrange for transportation or service in the event of car trouble, or a true family emergency.

If an employee is using the Madison County phone for personal use on a continuous basis, Madison County may charge the employee for these additional usages through a payroll deduction or revocation of the cellular assignment. The employee may also be subject to disciplinary action.

Employees are responsible for keeping track of and identifying their personal calls and/or other usages in a timely fashion when the monthly cellular bill arrives. Any calls and/or other usages in uncertainty will be the responsibility of the employee.

5.6.1 Use of Cellular Phones and Electronic Devices While Driving

The use of cellular phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of Madison County vehicles and equipment and the safe operation of private vehicles while an employee is on work time conducting Madison County business. This policy applies to all uses of cellular phones and communication devices, except for Police Officers including, but not

limited to: computers, text messaging, email, electronic calendars, multi-media devices, and printers.

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular phones and electronic devices while driving. Accordingly, employees shall not use cellular phones if law, regulation, or other ordinance prohibits such conduct.

Employees, while driving a classified commercial vehicle, shall not send or read received text messages on personal or Madison County issued cellular phones.

Employees should not use hand held cellular phones for business purposes while driving, except for emergency personnel responding to emergency situations. Should an employee need to make or receive a business call while driving, he/she should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cellular phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call.

Employees, while operating commercial vehicles, as defined by the U.S. Department of Transportation, shall not engage in text messaging under Federal law.

5.7 USE OF COMPUTER AND ELECTRONIC MAIL (EMAIL)

Computers, computer files, the Email system, and software are Madison County property and intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and Email use may be monitored.

Madison County strives to maintain a workplace that is free of harassment and sensitive to the diversity of its employees. Therefore, Madison County prohibits the use of computers and the Email system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not permitted. Other such misuse includes, but is not limited to, ethnic slurs; racial comments; jokes; or anything that may be construed as harassment or showing disrespect to others.

Email may not be used to solicit for commercial venture, religious or political causes, outside organizations, or other matters not related to Madison County business. The email system may be monitored to (1) ensure its legitimate business interest in the proper utilization; and (2) ensure that this policy is being followed.

Unnecessary use of electronic communication systems hinders performance. Chain letters, jokes, and messages sent to large lists of employees create clutter in computer systems and waste time and space. The receipt and forwarding of messages originating outside the network can expose systems to crippling computer viruses that can unduly hinder the system's performance and/or capacity, as well as waste technicians' time in clean-up and repair.

Email from or to in-house counsel or attorney representing Madison County must include the following header on each page: **"Attorney-Client Privileged/Do Not Forward Without Permission."**

Users should not alter or copy a file belonging to another user without first obtaining permission from the owner of the file. The ability to read, alter, or copy a file belonging to another user does not imply permission to read, alter, or copy that file.

Madison County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Madison County does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on multiple machines according to software license agreements. Madison County prohibits the illegal duplication of software and its related documentation. No licensed software may be installed on Madison County computers that has not been authorized by the Director of Information Technology for Madison County, and/or is not properly licensed to Madison County.

Employees should immediately report violations of this policy to their elected official or department manager. Madison County employees who make, acquire, or use unauthorized copies of computer software are violating federal copyright law and are subject to disciplinary action, up to and including termination of employment.

5.8 USE OF INFORMATION TECHNOLOGIES

Employees are provided limited access to the Internet to assist them in the performance of their duties. The computer and other media of electronic and telephonic communications, including, but not limited to, host computers; file servers; work stations; stand-alone computers; laptops; software; and internal and external communication networks, are the property of Madison County and as such, are to be used solely for job-related purposes. Personal use of such equipment and software should be limited in frequency and duration.

The Internet is a worldwide network of computers containing millions of pages of information and many diverse points of view. Because of its global nature, users of the Internet may encounter material that is inappropriate, offensive, and in many instances, illegal. Madison County cannot control the availability of this information or restrict access to it.

5.8.1 Permitted Use of Internet and Madison County Computer Network

The computer network and the computer you use is the property of Madison County Government and may only be used for legitimate business purposes. Users are provided access to the computer network to assist them in the performance of their jobs. Additionally, certain employees ("Users") may also be provided with limited access to the Internet through the computer network. All Users have a responsibility to use Madison County's computer resources and the Internet in a professional, lawful, and ethical manner. Abuse of the computer network or

the Internet may result in disciplinary action, which could also include the payment for a cleanup of a virus that a User viewed or downloaded from an unauthorized file, including possible termination of employment and civil and/or criminal liability.

5.8.2 Computer Network Use Limitations:

5.8.2(A) Prohibited Uses

The following activities are prohibited without prior written permission from Madison County:

- Madison County's computer network may not be used to disseminate, view or store commercial or personal advertisements, solicitations, promotions, destructive code (e.g., viruses, self-replicating programs, Trojan horse programs), political material, religious material, pornographic text or images, or any other unauthorized materials or content.
- Employees may not use Madison County's Internet connection to download games or other entertainment software (including screen savers and wall paper files/programs) or to play games on the computer or over the Internet.
- Employees ("users") may not use the computer network to display, store or send (by email or any other form of electronic communication such as fax, bulletin boards, chat rooms, Usenet groups, instant messaging, etc.) material that is fraudulent, harassing, embarrassing, political, religious, sexually explicit, profane, obscene, intimidating, defamatory or otherwise inappropriate or unlawful. Furthermore, anyone who believes they are the intended recipients of such materials should notify the elected official or department manager and the System Administrator immediately. Do not delete or otherwise remove such materials unless directed by the elected official or department manager and/or System Administrator.

If you believe the receipt of such materials was inadvertent and you wish no further action taken, you may remove such material without contacting the managing partner.

- Users may not download or install any software (program, update, plug-in, etc.) without prior permission from the elected official or department manager. The Director of Information Technology must approve any and all downloads and installations of any software. Any such files or software may be used only in ways that are consistent with its licenses or copyrights.
- Users are strictly prohibited from sharing passwords.
- All requests for non-employee access to the Madison County network should be submitted to the Madison County Commissioners.
- Do not use Madison County's computers or Internet for correspondence to operate a "Personal Business".

- Do not forge or attempt to forge email messages or faxes.
- Do not send messages using another person's email or fax account.
- Do not copy a message or attachment belonging to another User without permission of the originator.
- Do not disguise or attempt to disguise your identity when sending an email or fax.
- The Information Technology Director must approve all screen savers and wallpaper used on Madison County Computers.

5.8.2(B) Personal Uses

Occasional, limited and appropriate personal use of the computer is permitted if such use does not:

- Interfere with the User's or any other employee's job performance.
- Have an undue effect on the computer or Madison County's network performance.
- Violate any other policies, provisions, guidelines, or standards of this agreement or any other agreements of Madison County.

Further, at all times Users are responsible for the professional, ethical, and lawful use of the computer system. Personal use of the computer is a privilege that may be revoked at any time.

5.8.2(C) Illegal Copying

Users may not illegally copy material protected under copyright law or make that material available to others for copying.

You are responsible for complying with copyright laws and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material without first obtaining the express written permission of the Director of Information Technology for Madison County.

5.8.2(D) Communication of Confidential Information

Unless expressly authorized to do so, Users are prohibited from sending, transmitting, or otherwise distributing proprietary information, data, trade secrets or other confidential information belonging to Madison County. Confidential information is not to be transmitted over the Internet without proper encryption/safeguards. Accidental disclosure of confidential client or Madison County data must be reported immediately to the User's supervisor. Unauthorized dissemination of such material may result in severe disciplinary action as well as substantial civil and criminal penalties under state and federal Economic Espionage laws.

5.8.2(E) Accessing the Internet

To ensure security and avoid the spread of viruses, users accessing the Internet through a computer attached to Madison County's network must do so through an approved Internet firewall or other security device. Bypassing Madison County's computer network security by accessing the Internet directly by modem or other means is strictly prohibited unless the computer you are using is not connected to the Madison County's network.

5.8.2(F) Frivolous Use

Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits, and all users connected to the network have a responsibility to conserve these resources. As such, the user must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters; spending excessive amounts of time on the Internet; playing games; engaging in online chat groups; instant messaging; uploading or downloading large files; accessing streaming audio and/or video files; or otherwise creating unnecessary loads on network traffic associated with nonbusiness-related uses of the Internet.

5.8.2(G) Virus Detection

Files obtained from sources outside Madison County, including disks brought from home, files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to email, and files provided by citizens or vendors may contain dangerous computer viruses that may damage Madison County's computer network. Users should never download files from the Internet, accept email attachments from outsiders, or use disks from non-County sources without first scanning the material with Madison County approved virus checking software. If you suspect that a virus has been introduced into Madison County's network, notify ITS personnel immediately.

5.8.2(H) No Expectation of Privacy

Employees are provided computers, voicemail, and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using Madison County's computer equipment including voicemail devices. The computer network is the property of Madison County and may be used only for Madison County purposes.

5.8.2(I) Waiver of Privacy Rights

User expressly waives any right of privacy in anything they create, store, send or receive using Madison County's computer equipment, voicemail device or Internet access. User consents to allow Madison County personnel to access and review of all materials created, stored, sent, or received by the user through any Madison County network, voicemail device, or Internet connection.

5.8.2(J) Monitoring of Computer and Internet Usage

Madison County has the right to monitor and log any and all aspects of its Computer system including, but not limited to, monitoring Internet sites visited by users; monitoring chat and newsgroups; monitoring file downloads; and all communications sent and received by users including voicemail.

5.8.2(K) Blocking Sites with Inappropriate Content

Madison County has the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

5.8.2 (L) Reporting Child Pornography

An employee who witnesses child pornography being distributed or residing on Madison County property, computers, networks, or information technologies resources **must** immediately report such incident to his/her department manager **and** the Director of Human Resources. This also applies to employee-owned computers or information technologies resources that are brought and/or used on Madison County property.

Child pornography shall be defined as any visual depiction or description of a child, less than eighteen (18) years of age, engaged in sexually explicit conduct, including nudity of any such child. Child pornography, whether made or produced by electronic, mechanical, or other means, may be expressed through a picture, drawing, photograph, negative image, undeveloped film, motion picture, videotape, digitized image, or any other pictorial representation.

The managing, producing, sponsoring, presenting, exhibiting, and/or creating of child pornography is a violation of Madison County policy and of Indiana Code 35-42-4-4. Such violation shall result in immediate termination of employment.

An employee who makes available to another employee a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age commits child exploitation as defined by Indiana law.

Questions regarding this policy should be directed to the Human Resources Director of Madison County Government.

5.8.3 Social Media

Madison County recognizes the importance of the Internet in shaping public thinking, and is committed to supporting employees' rights to interact via social media.

Madison County encourages employees to write/speak professionally, accurately, knowledgably, and respectfully when referring to Madison County and its employees, customers, vendors, and

representatives. Unless specifically designated as a spokesperson for Madison County Government, employees are not authorized to speak on behalf of Madison County or its representatives.

If an employee is developing a website, writing a blog, or using another social media source that refers to Madison County and its services, employees, representatives, customers or vendors, the employee should indicate that his/her views or opinions do not necessarily represent the views and opinions of Madison County.

Employees should recognize that they could be legally liable for content posted or conveyed in social media sources and may be subject to discipline for commentary, content, or images that are defamatory, proprietary, harassing, libelous, or that can create a hostile work environment.

The employee may not share information that is confidential and proprietary about Madison County or its employees, customers, vendors, or representatives. If the employee has questions about whether information is publicly available, he/she should speak with his/her manager before releasing information that could be harmful to Madison County and its employees, customers, vendors, and representatives. Use of the Madison County logo is prohibited without explicit permission from the Madison County Commissioners.

5.9 DRUG-FREE WORKPLACE

Madison County maintains a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988 and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by Madison County.

Madison County employees have an obligation to be physically and psychologically fit to fulfill the duties of their jobs. Drug and alcohol use is highly detrimental to the safety and productivity of Madison County employees and others in the workplace. No official or employee may be under the influence of any illegal drug or alcohol while in the workplace, while on duty, while on Madison County premises, or while operating a vehicle or equipment owned or leased by Madison County.

Employees who report to work in a condition which impairs their ability to perform the duties of their job, endanger the safety of themselves or others, expose Madison County to potential liability, or may cause damage to Madison County property or equipment, will not be allowed to continue working or remain in the workplace. Impairment is the inability to perform one's job in the manner described in the position description or in accordance with established practice.

While on official Madison County business, an employee must comply with this policy as a condition of employment. If an employee is found to be in violation of this policy, the employee will be immediately suspended without pay. Further disciplinary action, up to and including termination of employment, will then be determined by management.

Should an employee be convicted of a drug-related crime that occurred in the workplace, he/she must notify their elected official or department manager within twenty-four (24) hours of the

conviction. Madison County is required to notify appropriate government agencies within ten (10) days of the conviction. Appropriate personnel action, including discipline and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

Any employee who is convicted of a drug or alcohol related crime arising out of conduct while on official Madison County business, or when serving as a representative of Madison County, must notify Madison County within five (5) days of the conviction. Madison County is required to notify the appropriate government-funding agency within ten (10) days of the conviction. Appropriate personnel action, including discipline and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on Madison County premises, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by Madison County is strictly prohibited. Offenders will be disciplined, up to and including dismissal of employment.

Conviction of off-the-job use, sale, trafficking, distribution, purchase, transfer, theft, or possession of alcohol, illegal drugs, or unauthorized legal drugs may result in disciplinary action, as it could adversely affect an employee's job performance and jeopardize the safety of others.

Employees may use physician-prescribed medications, provided the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace. Employees may keep prescription drugs and over-the-counter medications on Madison County premises when prescribed by a medical physician or as needed for over-the-counter medications. Employees who operate vehicles or equipment in the course of their employment shall notify their elected official or department manager of such drugs and prescriptions that may impair judgment in the performance of job duties and responsibilities.

Employees who voluntarily seek professional assistance in overcoming drug or alcohol problems should contact the Human Resources Department for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources. Voluntary treatment for alcohol or substance abuse will not prevent disciplinary action for violation of Madison County's drug-free workplace policy.

When appropriate, Madison County may refer the employee to confidential and approved counseling or rehabilitation programs.

5.9.1 Drug and Alcohol Testing

Madison County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be requested to provide body substance samples (e.g., blood, urine, hair, or other body substances) to determine the prohibited use of marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). Madison County reserves the right to conduct drug and alcohol testing without notice. Results of any drug testing shall remain in the employee's

confidential medical file. Access to medical files is restricted to authorized personnel. All bodily substance samples will be sent to a pre-selected independent laboratory to ensure confidentiality.

5.9.1(A) Pre-Employment Testing

Madison County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective new employees may be subject to drug and alcohol testing. Offers of employment shall be contingent on passing the pre-employment drug and alcohol screen. Applicants who refuse to complete the drug and alcohol test, test positive for alcohol or illegal drugs, or refuse to complete related documentation will not be hired by Madison County. Applicants will be asked to list any legally prescribed drugs taken at the time of the test and will be asked to provide physician authorization for those drugs.

5.9.1(B) Reasonable Suspicion

An employee will only be requested to submit to a drug or alcohol test when the elected official, department manager, Director of Human Resources, or other trained supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs during his/her employment with Madison County. In the event that an employee is requested to submit to a drug test, the elected official, department manager, Director of Human Resources, or trained supervisor shall complete the appropriate form (Reasonable Suspicion Observation form) to be provided by the Human Resources Department, setting forth the observations leading to the determination of reasonable suspicion including the following:

- Observation of drug or alcohol use;
- Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;
- Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs and alcohol;
- A pattern of abnormal or erratic behavior by the employee; or,
- Information provided by reliable or credible sources of the above.

In the case of a positive test or if the employee refuses to submit to testing, Madison County reserves the right to exercise any disciplinary action deemed appropriate, up to and including termination of employment based on the severity of the situation and the totality of the circumstances surrounding the incident.

5.9.1(C) Post-Accident Testing

Post-accident testing shall be required when an employee is involved in an accident on Madison County property or while operating Madison County and/or personal equipment or vehicles in pursuit of Madison County business which results in:

- The death or injury of a Madison County employee or member of the general public; or
- Damage to public or private property and/or equipment to the extent that it must be towed from the accident scene or operating a vehicle or equipment owned or leased by Madison County if the driver receives a citation; or
- Damage to public or private property and/or equipment or injury to oneself or others resulting from a workplace accident that does not involve a vehicle.

Madison County reserves the right to order post accident tests, as it deems appropriate based on the totality of the circumstances surrounding the accident. Post-accident testing for circumstances other than listed above will be ordered on a case-by-case basis at the discretion of the elected official, department manager, Director of Human Resources, and/or Madison County Commissioners. Post-accident tests may include screens for both drugs and alcohol.

5.9.1(D) Post-Shooting Testing

Post-shooting testing shall be required when a police officer in a line-of-duty incident shooting causes death or serious bodily injury to an officer or other person. Post-shooting tests may include screens for both drugs and alcohol.

5.9.2 Federal Motor Safety Regulations/Commercial Driver's License Drug And Alcohol Policy

This policy shall apply to an employee who is required to hold a commercial driver's license in order to operate a vehicle or equipment as part of his/her employment with Madison County.

Madison County has instituted this policy to provide a healthy and safe work environment for its employees and to ensure public safety. The provisions of this policy are established to address the use and possession of alcohol, Schedule I Controlled Substances, physician-prescribed medications, and over-the-counter medications by employees in positions that have been classified as "**safety-sensitive**."

It is the policy of Madison County to comply with and abide by all laws and regulations that have been established by Part 382 – Controlled Substances and Alcohol Use and Testing of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), and Federal Highway Administration (FHWA). In complying with these regulations, Madison County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record-keeping program for employees in positions that have been classified as **safety-sensitive**. In accordance with DOT and FHWA regulations, included in this classification of safety-sensitive positions are all positions that require an employee to operate a commercial motor vehicle and/or hold a commercial driver's license.

Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors of employees holding safety-sensitive positions.

5.10 USE OF VEHICLES AND EQUIPMENT

All Madison County employees are expected to exercise care, perform required maintenance when responsible, and follow all operating instructions, safety standards, and guidelines when operating Madison County owned equipment and vehicles.

Employees must maintain the ability to legally operate Madison County vehicles and machinery and equipment. Employees who operate Madison County vehicles are required to promptly notify their elected official or department manager in the event that their driver's license is suspended or revoked. An employee's failure to promptly notify his/her elected official or department manager of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination of employment.

To prevent possible injuries to others and/or deterioration of machinery, equipment, or vehicles, employees shall promptly notify their supervisor if any equipment, machinery, tools, or vehicles appear to be damaged, defective, or in need of repairs. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job. Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including termination of employment.

All occupants of a Madison County vehicle or personal vehicle while used on Madison County business must wear appropriate seat belts. Employees are personally responsible for any fines incurred as a result of driving or parking violations.

Operating a Madison County vehicle or personal vehicle for Madison County business when any physical or mental impairment causes the employee to be unable to drive safely is strictly prohibited. This prohibition includes, but is not limited to, circumstances in which the employee is unable to operate a vehicle safely and/or legally because of illness, medication, or intoxication.

Ingestion of any measurable amount of alcohol or controlled substance(s) while driving a Madison County vehicle or personal vehicle for Madison County business is strictly prohibited. Failure to comply will result in disciplinary action, up to and including termination of employment.

Madison County vehicles shall not be driven out of Madison County, except for Madison County business purposes that are authorized by the elected official or department manager.

Employees who operate a Madison County vehicle or operate a personal vehicle for Madison County business are required to keep a copy of their valid driver's license and proof of insurance on file with the Human Resources Department.

5.11 TAKE HOME VEHICLES

Take home use of Madison County vehicles shall be limited to such employees who are either designated as "on call" or hold public safety positions.

The Internal Revenue Code (IRC) requires the taxable value for the *personal* use of Madison County provided vehicles to be reported as additional compensation to employees. Elected officials, managers, directors, and employees must timely report *personal* use as a wage to the Madison County Auditor. Such reports are processed and maintained by the County Auditor. Law Enforcement vehicles are considered *non-personal* use vehicles. Police officers and public safety emergency responders are required to use Madison County vehicles for commuting; personal use is incidental to practice. Madison County vehicles may not be used as described below:

- Operating a vehicle without a valid driver's license or while said driver's license is under suspension or revocation.
- Smoking while in a Madison County vehicle.
- Engaging in any activity that would impede the safe operation of the vehicle.
- Personal use, other than commuting.
- Transporting pets, livestock, domestic or wild animals, except when relevant to Madison County business.
- Travel outside of Madison County, except in the course of official County duties.
- Travel or tasks that are outside the vehicle's rated capability or capacity.
- Adding, removing, or disabling any device or item installed on the vehicle without authorization from the elected official or department manager.
- Transporting explosives, weapons, ammunition or highly flammable material, except in the course of official County duties.
- Operating a Madison County vehicle at any time with any measurable amount of alcohol or controlled substances ingested.

5.12 PERSONAL USE OF MADISON COUNTY FACILITIES

In order to minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of cooperative employees, personal use of Madison County facilities, vehicles, and equipment is prohibited, unless expressly authorized by the Madison County Commissioners.

This policy applies to all officials, managers/supervisors, appointees, employees, and volunteers. Personal use of Madison County owned or leased vehicles, equipment, computers, bulletin boards, phones and mobile phones, electronic devices, printers, copiers, fax machines, tools, machinery, buildings and properties, and all other Madison County property is restricted.

Madison County facilities may be used for civic and community events with prior approval by the Madison County Commissioners.

5.13 APPEARANCE OF WORK AREAS

Madison County expects the work areas, meal areas, and rest rooms to be kept neat and clean. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees. Failure to comply may result in disciplinary action.

5.14 BUSINESS TRAVEL

Madison County is responsible for authorizing employee business travel and reimbursement of travel expenses. All employees must obtain prior authorization from the elected official or department manager for business travel or reimbursement of expenses.

Whenever practicable, travel will be accomplished in a Madison County vehicle or via common carrier. If a personal vehicle must be used for authorized travel, the employees shall be reimbursed at prevailing rates authorized by the State of Indiana or as determined by the fiscal body of unit the official represents.

Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act.

The Madison County Board of Commissioners adopted Ordinance No. 2013-BC-O-08, *Ordinance Establishing Travel Policy for Employees of Madison County, Indiana and Replacing All Ordinances in Conflict Herewith*, which applies to all Madison County personnel and representatives. A copy of this Ordinance is included in the Exhibits Section of this personnel policy handbook – Exhibit C.

5.14.1 State Called Meetings

Madison County will reimburse its employees for state called meetings specified by statute or the State Board of Accounts. Reimbursement for state called meetings will be for: (1) reasonable hotel/motel accommodations; and (2) state rate for mileage for using a privately owned vehicle in lieu of public transportation.

The Madison County Board of Commissioners adopted Ordinance No. 2013-BC-O-08, *Ordinance Establishing Travel Policy for Employees of Madison County, Indiana and Replacing All Ordinances in Conflict Herewith*, which applies to all Madison County personnel and representatives. A copy of this Ordinance is included in the Exhibits Section of this personnel policy handbook – Exhibit C.

5.14.2 Other Meetings/Job-Related Training

In accordance to the terms and conditions of Ordinance No. 2013-BC-O-08 adopted by the Madison County Board of Commissioners, an employee on authorized official Madison County business requiring overnight accommodations will be reimbursed for: (1) reasonable hotel/motel accommodations; (2) bus, taxi, and airport transportation; (3) air, rail, or bus tickets as lowest possible fare; and (4) state rate for mileage for using a privately owned vehicle in lieu or public transportation.

In accordance to the terms and conditions of Ordinance No. 2013-BC-O-08 adopted by the Madison County Board of Commissioners, an employee on authorized official Madison County business attending a meeting not requiring overnight accommodations will be reimbursed for: (1)

bus, taxi, and airport transportation; (2) air, rail, or bus tickets as lowest possible fare; (3) state rate for mileage for using a privately owned vehicle in lieu of public transportation; and (4) necessary parking and storage fees up to \$20 per day.

A copy of Ordinance No. 2013-BC-O-08 is included in the Exhibits Section of this personnel policy handbook – Exhibit C, which applies to all Madison County personnel and representatives.

5.14.3 Home-to-Work Travel

Travel to and from home is not work time, even if an employee must travel from a town to an outlying site to get to the work facility. This is true whether an employee works at a fixed location or at different job sites.

5.14.4 Out-of-Town Travel

An employee who is sent out of town for one day need not be paid for time spent in traveling from home to the commercial transportation terminal, but must be paid for all other travel time, except any time spent in eating while traveling.

5.14.5 Overnight Travel

If an employee travels overnight on business and is gone for more than one day, he/she must be paid for time spent in traveling (except for meal periods) during his/her normal working hours on his/her non-working days, as well as on his/her regular working days. Travel time, as a passenger on an airplane, train, bus, boat or automobile outside regular working hours is not considered work time. Thus, nighttime travel for employees who work during the day is not work time. However, any actual work performed by the employee while traveling is considered to be work time. Moreover, if an employee drives a car or is a passenger in a car without being offered public conveyance, then the travel time is considered work time.

The travel policy adopted by the Madison County Board of Commissioners, Ordinance No. 2013-BC-O-08 applies to all Madison County personnel. Questions regarding Madison County's travel policy should be directed to the Madison County Commissioners.

5.15 POLITICAL ACTIVITY

Madison County employees shall not participate, financially or otherwise, in any political campaign or party activity during their working hours and/or on Madison County property/premises. In addition, Madison County owned equipment and vehicles shall not be used to generate, copy, produce, or disseminate campaign materials.

Elected officials, managers/supervisors, directors, political party officials, and employees are prohibited from directly or indirectly coercing or attempting to coerce, commanding, threatening, or advising employees of Madison County to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

Offenders are subject to disciplinary action, up to and including termination of employment. In addition, the conduct of the offender is subject to federal, state, and local laws and regulations.

Questions regarding this policy should be directed to the Human Resources Director.

5.16 SMOKING

It is the policy of Madison County, under Ordinance No. 2012-BC-09, that smoking shall be prohibited in Madison County owned, leased, or operated property and place of employment, including vehicles.

All Madison County employees and visitors to Madison County Government places of employment are expected to comply with this policy, as with all other Madison County policies. Doing so will help Madison County maintain a clean, safe, and healthy work environment and public-gathering place.

A copy of Ordinance No. 2012-BC-09 adopted by the Madison County Commissioners is provided in the Exhibits Section of this personnel policy handbook – Exhibit B.

5.17 MADISON COUNTY CREDIT CARDS

The Madison County Commissioners shall be the designated official responsible for the use and issuance of Madison County credit cards. The Madison County Commissioners shall maintain an accounting system or log which will include the names of individuals requesting usage of Madison County credit cards; the individual's position title; the estimated amounts to be charged; fund and account numbers to be charged; and the date the card is issued and returned.

Madison County credit cards are for business use only and shall not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment.

Payment of Madison County credit cards should not be made on the basis of a statement or a credit card slip only. Credit card payments must be made through the statutory claims process. If interest or penalty is incurred due to late filing or furnishing of documentation by an officer or employee, such interest or penalty shall be the responsibility of that officer or employee.

Madison County issued credit cards are the property of Madison County. Employees are required to return such cards and all supporting documents upon request. If a card is lost or stolen, the employee should report the missing card immediately to the Madison County Commissioners.

Madison County employees violating this policy shall be subject to disciplinary action, up to and including termination of employment.

SECTION 6: PERSONAL CONDUCT

The policies contained in this section and throughout the Madison County Personnel Policies Handbook apply to all Madison County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

6.1 EMPLOYEE CONDUCT AND WORK RULES

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, efficiency, and economy in their work. All employees should attempt to correct any faults in their performance which are called to their attention and should also avoid any behavior and actions which conflicts with Madison County policies.

6.1.1 Whistleblower

This policy is intended to encourage and enable employees and others to raise serious concerns within Madison County prior to seeking resolution outside Madison County.

The identity of the Whistleblower, if known, shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement.

This policy is intended to provide protection for employees who raise concerns regarding: (1) incorrect financial reporting; (2) unlawful activity; or (3) any activity in violation of this Personnel Policy Handbook.

No employee who in good faith reports a violation shall suffer harassment, retaliation, or adverse employment consequences. Any employee who retaliates against an individual who has reported a violation in good faith is subject to disciplinary action, up to and including dismissal of employment.

6.2 ATTENDANCE AND PUNCTUALITY

Attendance and punctuality are essential roles of an employee's job. Employees are expected to report for work fit for duty each day they are scheduled to work, begin work promptly at the scheduled work time, remain at work for their entire scheduled workday, and conform to established procedures for reporting and requesting absences.

Absenteeism and tardiness places unnecessary burdens on managers, fellow employees, and the operations of Madison County Government and will not be tolerated. To maintain a safe and productive work environment, employees are expected to be reliable and punctual. In such instances when an employee cannot avoid being late to work or is unable to work as scheduled, he/she must notify the department manager or delegated management team member at least one-half (½) hour before his/her normally scheduled work time. This notification does not excuse the tardiness or absence but simply notifies the manager that a schedule change may be necessary. Notice to a non-manager is not acceptable. Three (3) consecutive No Call/No Show absences will result in immediate termination of employment.

An excused absence is an approved absence that the employee schedules in advance with his/her supervisor. An unexcused absence is an absence that was not prescheduled or authorized by an employee's supervisor.

Employees who fail to demonstrate an acceptable level of attendance and punctuality shall be subject to disciplinary action, up to and including termination of employment.

6.3 PERSONAL APPEARANCE

Although there is no official Madison County dress code, some individual departments do maintain dress codes that must be observed. Employees of Madison County are expected to wear clothing appropriate to their job and work site. Clothing and appearance must be neat, clean, in good business taste, and not constitute a work hazard or distraction.

Employees are prohibited from wearing clothing or accessories that are political in nature during business hours and while on duty (e.g. T-shirts, sweatshirts, hats, buttons, bracelets, hair accessories).

Employees who arrive to work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

6.4 COMMISSION OF A FELONY OR UNLAWFUL ACT

Madison County is committed to providing its citizens with qualified staff who possess good character and standards. This policy provides basic safeguards in maintaining a safe working environment for employees and citizens and in fulfilling this commitment.

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to their elected official or department manager within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions, up to and including termination of employment.

Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty or on-duty hours must be reported to the elected official or department manager in writing within five (5) calendar days of receiving the citation or the arrest, if employee drives a vehicle for Madison County.

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee. The investigation will be conducted to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to and including termination of employment. The determination as to whether an employee shall be suspended will be based upon the nature and circumstances of the alleged offense and the

impact the charges may have on the employee's ability to adequately perform his/her job duties and/or remain in compliance with Madison County's personnel policies.

It is the responsibility of any employee with pending criminal charges to provide his/her elected official or department manager written documentation, such as a court record, of the disposition of the charges within five (5) calendar days after receiving notification. Failure to do so will be considered a violation of this policy and may subject the employee to discipline, up to and including termination of employment.

Unauthorized time away from work shall be subject to Madison County's attendance and wage policies. Time spent under arrest or in jail is not considered a valid excuse for missing work.

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, he/she shall be returned from suspension and if suspended without pay, the employee shall be reimbursed.

Factors to be used in determining appropriate discipline, which may range from no disciplinary action up to termination of employment, will include the employee's assigned duties and responsibilities, the nature of the offense, sentences imposed, other convictions/infractions, relevant provisions of Indiana statutes, licensing requirements, risk of recidivism, reasonable inferences about problems with self control, propensity for violence, honesty, and damage to the reputation of the employee, the employee's department, and/or Madison County Government.

Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a felony will be subject to immediate dismissal.

6.5 GHOST EMPLOYMENT

Madison County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of Madison County policy and of Indiana Code 35-44-2-4.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment- a Class D felony.

Additionally, a public servant employed by a governmental entity knowing that he/she has not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by Madison County paid leave

policies. Violations of this policy shall result in disciplinary action up to and including termination of employment, in addition to potential prosecution under Indiana Code 35-44-2-4.

6.6 BUSINESS ETHICS/CONFLICT OF INTEREST

Madison County recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with, or reflect poorly on Madison County Government.

Madison County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with Madison County. At such times Madison County must take whatever action is necessary to resolve the situation, including but not limited to, terminating employment. This policy applies to all officials, managers/supervisors, directors, appointees, employees, and volunteers as well as to former employees, where applicable.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with Madison County must file a conflict of interest statement with the County Clerk and County Auditor. Copies of the conflict of interest statement shall be forwarded to the State Board of Accounts and Madison County Commissioners. If deemed by said official to be in the best interest of Madison County, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the Madison County.

A Madison County employee who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by Madison County commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code (I.C.) 35-44-1-3.

Gifts or Gratuities

Employees are encouraged to maintain good relations with suppliers and others with whom Madison County may have business dealings. However, the practice of accepting gifts or gratuities may be contrary to the public interest.

Employees shall not accept unreasonable gifts or gratuities from firms, organizations, agents, or other individuals who may or do conduct business with Madison County in furnishing materials, goods, and services to Madison County.

6.7 SEXUAL HARASSMENT / HOSTILE WORK ENVIRONMENT

Everyone who works for Madison County is entitled to a workplace free from sexual harassment and intimidation. Madison County is committed to providing a work environment that is free of any type of discrimination or unlawful harassment. Madison County prohibits any form of sexual harassment and will take corrective action against offenders, up to and including termination of employment.

6.7.1 Definition of Sexual Harassment/Hostile Work Environment

Any request for sexual favors and/or any other unwanted verbal or physical conduct of a sexual nature between employees in the workplace or job-related contacts with citizens or persons outside Madison County employment, constitutes sexual harassment and is prohibited, such as:

1. Unwelcome sexual advances.
2. Physical or verbal conduct of a sexual nature, or joking that is sex-oriented considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations; advances or propositions; verbal abuse of a sexual nature; leering; touching; pinching; assaulting; coerced sexual acts or suggestive; insulting; obscene comments; and obscene and/or sexually suggestive gestures, writings, photo, pictures, objects, cartoon, or electronic displays in the workplace. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others.
3. Submission that is expressed or implied as a condition of employment, promotion, or preferential treatment.
4. Printed or electronic display or transmission of sexually explicit images, messages, or cartoons is not allowed. Other violations include, but are not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.
5. Conduct with implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

6.7.2 Individuals Covered Under the Policy

This policy covers all Madison County officials, managers/supervisors, appointees, directors, employees, and volunteers.

6.7.3 Reporting A Complaint

While Madison County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, Madison County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

In order to take a corrective action, Madison County must be aware of sexual harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed sexual harassment or related retaliation should promptly report such behavior.

Any employee who experiences sexual harassment should contact his/her elected official or department manager immediately. If unresolved, or in the event the harassment is alleged against the elected official or department manager, the employee is advised to obtain a sexual harassment complaint form from the Director of Human Resources.

The employee is directed to submit the completed form to the elected official or department manager. If the alleged offender is an elected official, the completed form is to be submitted to the Director of Human Resources. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of the alleged occurrence of sexual harassment or retaliation, or receives a complaint of sexual harassment involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the Director of Human Resources. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

6.7.4 Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be reduced to writing by either the complainant or the individual(s) designated to receive complaints, and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While Madison County encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law, and the notes may have to be disclosed.

Madison County elected officials, department manager, and the Human Resources Department has copies of the sexual harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

6.7.5 Time Frame for Reporting Complaints

Madison County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on an individual no limited time frame will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude Madison County from taking remedial action.

6.7.6 Protection against Retaliation

Madison County will not in any way retaliate against the individual who makes a report of sexual harassment or permit any supervisor or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

6.7.7 Investigating the Complaint

Any allegation of sexual harassment that is reported will be promptly investigated in as discreet a manner possible to protect the privacy of persons involved. Madison County will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

Upon completing the investigation of a sexual harassment complaint, Madison County will communicate its findings to the complainant and the alleged harasser. If the Director of Human Resources and the alleged harasser's elected official or department manager determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed of the disciplinary action to be taken.

In determining whether alleged conduct constitutes sexual harassment, Madison County will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred. The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

6.7.8 Identification of Investigators

Complaints will be investigated by the Director of Human Resources and the appropriate department manager or designees retained by Madison County. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the Madison County Attorney.

6.7.9 False Accusations

Madison County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of sexual harassment can have devastating effects on the lives and reputations of innocent women and men. Therefore, Madison County may discipline, up to and including termination of employment, those employees who after an investigation are found to have falsely accused others of sexual harassment, knowingly or in a malicious manner.

6.7.10 Sanctions

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including discharge. Additional action may include: referral to counseling, withholding of a promotion, reassignment and demotion, temporary suspension without pay or termination.

Although Madison County's ability to discipline a non-county employee harasser is limited, any Madison County employee who has been subjected to sexual harassment by a non-county employee at the workplace and work-related setting should file a complaint so that action may be taken.

6.7.11 Maintaining a Written Record of the Complaint

Madison County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in the Madison County Human Resources Department, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

6.7.12 Prevention

Prevention is the best policy for the elimination of sexual harassment. Employees shall remain cognizant of sexual harassment to avoid contributing conditions that would encourage such activity. Sexual harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

6.8 SOLICITATION/DISTRIBUTION

This policy is designed to protect the interests of the citizens of Madison County by ensuring that only official County business is transacted in work areas during employees' work time.

There shall be no solicitation or distribution by employees or non-employees during work time in the workplace. This section does not apply to vendors and/or charity organizations that have received the approval of the Madison County Commissioners.

Employees violating this policy shall be subject to disciplinary action, up to and including dismissal of employment.

6.9 SECURITY OF PREMISES

Madison County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, Madison County prohibits the control, possession, transfer, sale or use of such materials on its premises. . However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto Madison County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's

personal locked vehicle. This exception does not apply to employees driving or riding in Madison County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility as defined by Ind. Code 35-41-1-21 (Madison County Jail and Community Correctional Complex) and child caring institution (Madison County Juvenile Center) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Madison County Jail, Community Correctional Complex and Juvenile Center shall not bring firearms or ammunition onto Madison County property including in their personal vehicles.

Madison County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than Madison County employees and the law enforcement officers on Madison County property. Madison County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remains the sole property of Madison County. Accordingly, any agent or representative of Madison County can inspect them, as well as any articles found within them, at any time, either with or without prior notice.

This is with exception to Court and Sheriff Department evidence rooms or sealed files maintained by the Madison County Clerk or Court Reporters.

6.10 WORKPLACE VIOLENCE

The safety and security of Madison County employees and customers is very important. It is the intent of Madison County to provide a workplace for all employees that is free of violence. Threats, threatening behavior, acts of violence, intimidation, or any related conduct that disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Workplace violence includes, but is not limited to: intimidation, threats (verbal or written), physical attack, verbal abuse, domestic violence, stalking, instigation, or property damage. Some of these terms are defined as follows:

Intimidation includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.

Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether the expression is contingent, conditional, or future.

Physical attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.

Property damage is intentional damage to property that includes property owned or leased by Madison County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Madison County owned or leased property may be removed from the premises. Illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited from the premises of Madison County without proper authorization as stated in *Section 6.9 Security of Premises of this Personnel Policies Handbook*.

Threats, threatening behavior, or acts of violence executed off Madison County owned or leased property but directed at Madison County employees or members of the public while conducting official Madison County business, is a violation of this policy. Off-site threats include, but are not limited to: threats made via the telephone, fax or electronic or conventional mail, or any other form of communication.

Violations of this policy will lead to disciplinary action that may include employment dismissal, arrest, and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from Madison County owned or leased premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

Employees are responsible for notifying their elected official or department manager of any threats which they have witnessed or received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job-related or might be carried out on Madison County owned or leased property or in connection with Madison County employment or business.

Any employee who receives a protective or restraining order which lists Madison County owned or leased premises as a protected area is required to provide his/her elected official or department manager and the Director of Human Resources with a copy of such order.

If an emergency exists, contact the police department at 9-1-1 and notify your supervisor. If the incident or complaint is not an emergency, the employee should inform his/her elected official or department manager. If the elected official or department manager is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the elected official or department manager, the employee may bring his/her concerns to the Director of Human Resources.

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation.

6.11 DOMESTIC VIOLENCE

It is the policy of Madison County to assure its work areas reflect productive and efficient government, and to reemphasize the importance of a workplace that is free from violence.

Purpose

Madison County is committed to promoting the health and safety of its employees. This commitment includes the prevention and reduction of domestic violence incidences.

While Madison County recognizes that both men and women can be victims of domestic violence, the overwhelming majority of victims are women. In fact, domestic violence is the leading cause of injury to women in the United States.

Domestic violence can compromise the safety of employees and others in the workplace. It also decreases morale and productivity and increases absenteeism and health care costs. Madison County recognizes that domestic violence can become an issue in the workplace; victims may be especially vulnerable at work. For these reasons, Madison County has established a workplace domestic violence policy. The specific purposes of the policy are to:

- Create a supportive workplace environment in which employees feel comfortable discussing domestic violence issues and seeking assistance for domestic violence situations;
- Develop responsive policies and procedures to assist employees who are affected by domestic violence;
- Provide immediate assistance to victims;
- Provide assistance to the employee who is the abuser and/or take disciplinary action against an employee who is a perpetrator of abuse; and
- Offer training on recognizing and responding to domestic violence.

Definitions

Domestic Violence: A pattern of coercive behavior that is used by a person against family or household members to gain power and control over the other party in the relationship. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, and destruction of personal property. Domestic violence occurs between people of all racial, economic and socioeconomic, educational, and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.

Batterer, Perpetrator, or Abuser: An individual who commits domestic violence, sexual assault, or stalking.

Sexual Assault: An act of sexual violence whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, sexual contact, sexual harassment, ritual abuse, exposure, and voyeurism.

Stalking: An unwanted course of conduct by one person directed toward another specific person that is intended to cause that person fear of harm, emotional distress, or substantial inconvenience. Stalking may involve direct or indirect contact and may occur between intimate partners, acquaintances, or strangers. Stalking behaviors include, but are not limited to: following a person; appearing at a person's home or workplace; making harassing phone calls; sending letters or e-mails; leaving written messages or objects; or vandalizing a person's property.

Survivor or Victim: An individual subjected to domestic violence, sexual assault, or stalking.

Workplace: An employee is considered to be in the workplace when the employee is conducting Madison County business; is in Madison County owned or leased workspace; is using the facilities or services of Madison County; is using Madison County resources or equipment; is wearing a uniform; is using a vehicle that is owned or leased by Madison County or its agencies; is attending a work-related conference or event; or is traveling on behalf of Madison County.

Workplace Safety Plan: A strategy developed in collaboration with a victim to implement workplace safety options including, but not limited to: setting up procedures for alerting security or police; temporarily relocating the victim to a secure area; voluntarily and/or temporarily transferring or permanently relocating the victim to a new worksite; reassigning of parking space; escorting for entry and exit of worksite; responding to telephone, fax, e-mail, or mail harassment; and keeping a photograph of the abuser and/or a copy of an existing court order in a confidential on-site location and providing copies of such document(s) to designated personnel.

Statement of Confidentiality

Madison County recognizes and respects an employee's right to privacy and need for confidentiality and autonomy. To the extent permitted by law and unless the substance of the employee's disclosure demands otherwise, Madison County will maintain the confidentiality of an employee's disclosure. Supervisors will share disclosures with their department managers, elected official, and/or the Director of Human Resources. Unless absolutely necessary, the information will not be shared with other employees of Madison County. Whenever possible, the employee will be given notice of necessary disclosures. Further disclosure may be necessary if, in the opinion of the person to whom the initial disclosure is made, an abuser presents a threat to the safety of any person; the employee has expressed homicidal or suicidal intentions; or there is reasonable cause to suspect abuse, neglect, or exploitation of children or incapacitated or dependent adults.

Education and Outreach

All employees are expected to become familiar with this policy and to attend domestic violence training when required by Madison County.

Elected officials, directors, and managers and supervisors will attend specialized training, as provided by Madison County, focused on identifying and responding to issues of domestic violence in the workplace.

Response and Assistance

Disclosure; Requests for Information, Referral, and Assistance:

Madison County will offer support and referrals for assistance to those employees who disclose concerns or request help. Madison County will also offer support and referrals for assistance to any employee suspected to be a victim or perpetrator of domestic violence. All employees wishing to discuss domestic violence issues are encouraged to speak with whomever they are most comfortable.

Response to Victims:

Any person who is concerned about his/her safety at work should speak to his/her elected official, manager, or the Director of Human Resources immediately.

If domestic violence is occurring in the workplace, affecting the performance of the victim or the victim's co-workers; or if the victim requests assistance; and/or if a manager suspects domestic violence, Madison County will assist the victim.

Madison County recognizes all persons' rights to privacy, autonomy and safety, and the corresponding need to control the process following any disclosure. To the extent that disclosures do not implicate issues of workplace safety and performance and to the extent permitted by law and policy, Madison County's response will be guided by the expressed wishes of the victim and shall include the following:

- Evaluating for immediate threat to victim and victim's co-workers;
- Contacting the Director of Human Resources and law enforcement;
- Referring individuals to appropriate agencies and services, including local domestic violence advocates, sexual assault centers, legal services, law enforcement, medical and counseling services;
- If necessary, obtaining a Workplace Protective Order; and
- Developing an individualized workplace safety plan in conjunction with appropriate agencies and services.

If any person is at immediate risk in the workplace, Madison County will follow protocols for notifying law enforcement and follow applicable emergency or safety procedures.

Victims are encouraged to disclose the existence of temporary and permanent court orders for protection from abuse or harassment to their elected official, manager, and the Director of Human Resources, especially when the order includes a provision that prohibits the perpetrator from having contact with the victim at his/her place of employment. Madison County will follow the provisions of this policy with respect to response and assistance to the victim, and addressing the issue of workplace safety plans with the victim as appropriate.

Response to Employees Concerned about Domestic Violence:

An employee who has a concern that a co-worker is a victim of domestic violence should contact his/her manager to discuss the concern. The manager will work with the concerned employee to determine the appropriate response. In addition, the manager may discuss the matter with the Director of Human Resources if there is an immediate safety risk to anyone in the workplace, or if the perceived problem has an adverse effect (e.g., job performance, morale, safety) in the workplace. The manager will maintain the confidentiality of the disclosing employee to the extent permitted by law and Madison County policy.

An employee who experiences or witnesses violence or threats of violence in the workplace shall report the incident to his/her manager and the Director of Human Resources immediately.

Employees should seek assistance from a manager before speaking with a perceived victim of domestic violence. If an employee discusses concerns about safety with an apparent victim, the employee shall be helpful; not judgmental. The employee should (a) refer the perceived victim to appropriate agencies, domestic violence advocates, sexual assault centers, legal counseling, law enforcement, and health care professionals; (b) remind the perceived victim about Madison County's domestic violence policy; and (c) encourage the victim to seek assistance when addressing personal and workplace safety issues.

Documentation

Madison County will maintain copies of orders for protection and other documents from abuse that demonstrate workplace violence in a confidential file. Madison County will also establish necessary protocols related to maintaining records of domestic violence disclosures.

Work Performance

In instances when a manager is aware that a victim has a problem with work performance as a result of domestic violence, sexual assault, or stalking, the manager shall offer support and an opportunity to correct the problem(s). Managers may develop a work plan to assist and support the employee in meeting job expectations.

An employee who is a victim of domestic violence, sexual assault, stalking, or other related domestic violence behavior shall be permitted a reasonable amount of time away from work to seek immediate assistance for domestic violence. When applicable, the employee shall be required to use earned and available personal, sick, or vacation benefit time for any absence(s).

Nothing in this policy alters the authority of Madison County to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on a leave of absence, or take other action as appropriate.

Information or documents pertaining to a victim's involvement in domestic violence, sexual assault, or stalking situation will be kept in a separate confidential file and will not be considered for purposes of hiring, transfer, or promotion.

In the event an employee is ultimately unable to maintain employment with Madison County as a result of domestic violence, the employee will be provided with information about filing unemployment compensation claims.

Perpetrators

Madison County encourages employees who are perpetrators of domestic violence to voluntarily seek assistance from any of the community resources, domestic violence centers, sexual assault centers, or batterers' intervention programs.

If an employee discloses that he/she is or has been a perpetrator of domestic violence, the manager shall refer the employee to the local Indiana Coalition against Domestic Violence (ICADV) certified batterers' intervention program. In every situation where an employee makes this disclosure, the manager or Director of Human Resources shall immediately be included in the discussion related to the disclosure.

If an employee is concerned that a co-worker is a perpetrator of domestic violence, the employee shall notify a manager. The employee shall not confront the co-worker directly. Instead, the manager will discuss the issue with the Director of Human Resources, who will decide how best to address the situation.

Employees who engage in behaviors that constitute domestic violence, sexual assault, or stalking will be subject to discipline, up to and including termination of employment. In addition, perpetrators of domestic violence may face legal consequences. While on-duty, any employee who commits domestic violence, sexual assault, or stalking will be subject to immediate suspension without pay until management determines what further disciplinary action will be taken, up to and including termination of employment. An employee who engages in domestic violence, sexual assault, or stalking while off-duty may be subject to disciplinary action.

Any employee who is a named defendant in a civil or criminal action involving domestic violence, sexual assault, or stalking must disclose any order regarding protection from abuse or harassment, or any condition of bail or probation applicable to the employee that includes: (a) conditions that may interfere in any way with the employee's ability to perform his/her job duties; (b) conditions prohibiting or limiting contact with other employees of his/her department; or (c) conditions prohibiting or limiting contact with Madison County employees of other departments.

The employee must disclose the above information to his/her manager and to the Director of Human Resources at the beginning of the employee's next scheduled work day after entry of the order or imposition of applicable condition of bail or probation. Failure to provide the above information may result in disciplinary action, up to and including termination of employment.

Coordination with Other Agencies

When an employee of Madison County is involved in a situation of domestic violence, sexual assault, or stalking of or by an employee of another agency and there is a reason to believe a

workplace issue is involved, the Director of Human Resources will work with the other agency to assure an appropriate coordinated response.

Non-Retaliation

Elected officials, directors, managers, and supervisors are strictly prohibited from taking any retaliatory action against an employee for making a complaint or reporting an observance of domestic violence, sexual assault, or stalking or otherwise asserting rights or responsibilities under this policy or relevant laws. Any director, manager, or supervisor who is found to have taken retaliatory action against an employee is in violation of this policy and may be subject to disciplinary action, up to and including termination of employment.

Conclusion

Madison County is committed to providing a workplace environment that is free of domestic violence. The leaders of Madison County will work to respond and provide immediate assistance to employees affected by abuse.

6.12 CONFIDENTIALITY

It is important for Madison County Government to protect confidential and other proprietary information. Employees shall consult with their elected official/department manager before releasing information that could be confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

Confidential and proprietary information includes all technical and non-technical information: know-how processes; software source documents; equipment; current, future and proposed products and services; financial information; business and contractual relationships; current or former employees; procurement requirements; and other confidential information without limitation which belongs to Madison County Government or its affiliations. All such requests shall be referred to the elected official/department manager.

Employees may only access information that is necessary in the performance of their official duties. Accessing such information for non-business purposes including, but not limited to, for profit, personal gain, personal knowledge, or to share with others is abuse of authority and breach of confidentiality. Employees are expected to take proper precautions to avoid any breach of confidential information.

Breach of confidentiality may result in disciplinary action up to and including termination of employment.

6.13 EMPLOYEE AND PERSONAL CONDUCT

Employee job performance and personal conduct directly impact Madison County's ability to achieve its mission of public service. To ensure orderly operations and provide the best possible work environment, Madison County expects employees to follow rules of conduct that will

protect the interest and safety of all employees, the public, and the organization. Therefore, work rules and principles of job performance are adopted as guidelines for monitoring behavior and exercising disciplinary actions. All employees are expected to follow procedures and guidelines set forth by Madison County.

In monitoring the behavior of its employees, Madison County has classified offenses as first, second, and third level offenses based upon the seriousness. These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct. The offense classification system should not be construed to in any way limit Madison County's discretion in exercising discipline as it finds appropriate based on the severity of the misconduct or the totality of the circumstance.

The following conduct is prohibited and will subject the individual involved to disciplinary action up to and including termination of employment. This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all-inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this personnel policy handbook.

GROUP ONE (1) CLASSIFIED OFFENSES

(Examples of, but not limited to the following:)

1. Tardiness or failure to report to duty within a reasonable time after call.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Littering or otherwise contributing to unsanitary conditions on Madison County property.
4. Neglect or carelessness in signing in or out when required.
5. Failure to cooperate with other employees as required by job duties.
6. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
7. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
8. Unauthorized use of Madison County supplies for personal use.
9. Unsatisfactory work or failure to maintain required standard of performance; neglect in the performance of assigned duties.
10. Unauthorized breaks.
11. Loafing.
12. Excessive personal phone calls or texting.

GROUP ONE (1) DISCIPLINE

First Offense	Verbal warning
Second Offense	Written reprimand
Third Offense	Three (3) working days suspension without pay
Fourth Offense	Ten (10) working days suspension without pay
Fifth Offense	Dismissal of employment

GROUP TWO (2) CLASSIFIED OFFENSES

(Examples of, but not limited to the following:)

1. Leaving the job or work area during the regular working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with any employee's work.
3. Obliging Madison County for any expense, service, or performance without authorization, including unauthorized overtime.
4. Unauthorized sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Unauthorized use of Madison County property, vehicles, or equipment for personal use.
7. Performing private work on Madison County time.
8. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
9. Making or publishing of false, vicious, or malicious statements or information concerning any employee, supervisors, or Madison County and its operations; spreading malicious gossip or rumors.
10. Directing a subordinate employee, fellow employee, or other persons to perform or behave in a manner that is contrary to Madison County policies and procedures.
11. Unauthorized absences.
12. Unauthorized posting, removal, or alteration of notices or signs.
13. Distributing or posting written or printed matter of any description on Madison County premises unless authorized.
14. Unauthorized presence on Madison County property.
15. Disregard of department rules and/or Madison County policies and procedures.
16. Discourteous treatment of the public.
17. Excessive absenteeism.
18. Failure to give medical certifications and/or physician's excuse in a timely manner.
19. Failure to notify authorized personnel not later than one-half (½) hour before regular work starting time when unable to report to duty.
20. Making abusive or threatening remarks or gestures to supervisors, fellow employees, or the public.
21. Failure to secure facility, property, or equipment when responsible.
22. Failure to report mechanically defective conditions of equipment and/or failure to perform preventative maintenance on county-owned property and equipment when responsible.
23. Abandoning or leaving unattended any Madison County owned vehicle, equipment, or tools off-site, except as directed by a supervisor.
24. Failure to immediately report accidents, injury, or equipment damage.

GROUP TWO (2) DISCIPLINE

First Offense	Three (3) working days suspension without pay
Second Offense	Ten (10) working days suspension without pay
Third Offense	Dismissal of employment

GROUP THREE (3) CLASSIFIED OFFENSES

(Examples of, but not limited to the following:)

1. Reporting for work under the influence of alcohol or controlled substances; using alcohol or possession of nonprescription controlled substances while on duty.
2. Willful neglect in the performance of assigned duties.
3. Clocking, punching, signing, or altering other employees time cards, time sheets, or unauthorized altering of own time card or sheet.
4. Falsifying, refusing, or withholding testimony regarding accident, incident, or complaint investigations.
5. Making false claims or misrepresentations in an attempt to obtain any Madison County benefit or employment.
6. Unlawful or negligent handling of public monies.
7. Selling or participating in the distribution of illegal goods, services, drugs, or narcotics on Madison County premises and/or while working.
8. Threats of violence, including domestic violence; fighting or attempting to injure fellow employees, supervisors, or other persons.
9. Except for authorized employees of the Madison County Sheriff's Department, carrying or possession of firearms and ammunition on Madison County property at any time without proper authorization, except as provided by IC 34-28-7.
10. Knowingly concealing and/or exposing other employees or citizens to hazardous conditions, such as communicable diseases, which may pose a health or safety risk.
11. Misusing or removing Madison County records or information without prior authorization.
12. Instigating, leading, or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about Madison County's work stations.
13. Theft or any dishonest action.
14. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisor.
15. An absence of more than three (3) work days without proper notification of absence.
16. Sexual harassment.
17. Unlawful discrimination or retaliation.
18. Disclosure, dissemination, or distribution of confidential information.

19. Failure to disclose at time of employment the past conviction of a misdemeanor and/or felony, if reasonably related to the employee's duties or the public's trust.
20. Failure to submit to a blood test, urinalysis, or breathalyzer examination, pursuant to the Drug-Free Workplace Policy.
21. Deliberate destruction in any manner of Madison County property, equipment, or tools, or the belongings/property of employees.
22. Failure to follow safety/security regulations or procedures when the well being of the employee or others is affected.
23. Refusal to take or failure to pass any examination or certification required for the job; or failure to maintain required certifications for the position.
24. Driving a Madison County owned vehicle without a valid driver's license or with a suspended driver's license.
25. Falsifying or assisting in falsifying or destroying any Madison County records, including work performance reports; or withholding pertinent information in applying for employment.
26. Conviction of a misdemeanor and/or felony.
27. Violation of IC 35-44-1-3; failure to disclose conflict of interest of employee or member of employee's immediate family having a monetary or business interest or deriving a profit in any matter directly related to the employee's official duties and discharge of those duties.
28. Any form of intimidation or bullying of fellow employees, supervisors, or others; sabotage or attempts to sabotage others and/or the operations of Madison County Government.
29. Violation of Madison County's Nepotism Policy.
30. Violation of Madison County's No Smoking Policy.

GROUP THREE (3) DISCIPLINE

First Offense	Any appropriate discipline, up to and including termination of employment
---------------	---

Personal Conduct: It is the responsibility of every employee to conduct himself/herself in a manner that contributes to the workplace environment and advances the missions and goals of Madison County. Unprofessional and unacceptable personal conduct reflects poorly upon your character and judgment. Therefore, if you engage in criminal conduct or other unprofessional or serious misconduct off-duty that can discredit Madison County Government in the community; you may be subject to disciplinary action up to and including termination of employment.

SECTION 7: PROBLEM RESOLUTION

The policies contained in this section and throughout the Madison County Personnel Policies Handbook apply to all Madison County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues that relates to an employee's work conditions or relationships. This policy is provided for all employees, managers/supervisors, and elected and appointed officials. Grievance procedures specified in collective bargaining agreements will be followed for employees subject to such agreements when applicable.

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks Madison County's policies have been violated, or who believes he/she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan or Madison County policy. This section does not apply to disciplinary actions.

When a complaint arises, it should be heard and resolved at the lowest organizational level. The employee has three alternatives available:

STEP 1: Supervisor (Verbal complaint)

If an employee has a complaint, it should be first discussed with the supervisor. The employee should schedule a time to discuss the situation with the supervisor. Every effort should be expended to resolve the issue satisfactorily at this meeting.

STEP 2: Supervisor (Written complaint)

If the complaint cannot be solved satisfactorily by the employee and supervisor through discussion, or if the decision is not satisfactory, the employee may reduce the complaint to writing. The employee may take or send the written complaint to the supervisor. The supervisor is encouraged to give a written response to the complaint within five (5) days.

STEP 3: Elected Official/Appointing Authority

If a satisfactory solution is not reached with the supervisor, a complaint may be referred to the elected official/appointing authority having hiring/termination responsibility for the employee; who will conduct an investigation into the matter, meet with the interested parties, and make a final decision.

In this step, the Director of Human Resources and/or Madison County Commissioners may be consulted in a mediation capacity as conditions warrant at any time.

SEVERABILITY

The policies and procedures contained in this handbook are subject to all applicable federal and states laws, County of Madison, Indiana rules and regulations, and shall be interpreted wherever possible so as to comply fully with such laws, provisions or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal or competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The County of Madison, Indiana, reserves the rights to delete, modify, or amend the policies contained herein or allocate new policies as needed.

INDEMNIFICATION

In the event an elected official or department manager becomes a defendant, either in his/her representative capacity or individually in any litigation arising out of the administration to this policy, Madison County and/or its insurers shall defend the elected official or department manager of that action and pay any judgment entered in the action provided by Madison County, so long as the elected official or department manager has made a good faith effort to comply with the terms and conditions set out in this handbook.

ENABLING ORDINANCE

This Madison County Personnel Policy Handbook is approved by Ordinance passed by the Board of Commissioners of Madison County, Indiana. The terms and conditions of this handbook shall be incorporated by reference in the Salary Ordinance approved annually by the Madison County Council and the terms and conditions set out herein shall be deemed a condition of compensation under that Ordinance.

AMENDMENTS

This Personnel Policy Handbook may be amended from time to time by an Ordinance in substantially the same form approved by the Board of Commissioners of Madison County, Indiana. Any amendments shall be distributed to each department of Madison County and shall be conspicuously posted for at least ninety (90) days throughout the offices of Madison County after its passage.

